

FEDERAL REGISTER

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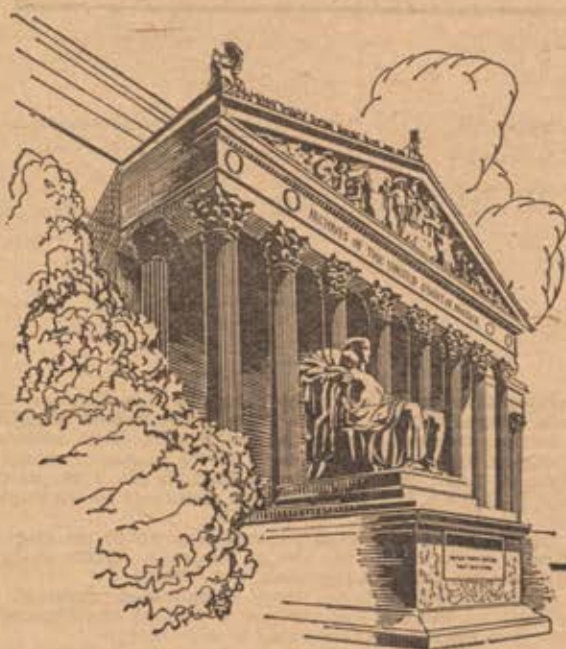
Saturday, July 31, 1965 • Washington, D.C.

Pages 9567-9618

Agencies in this issue—

The President
Atomic Energy Commission
Civil Aeronautics Board
Civil Service Commission
Commerce Department
Consumer and Marketing Service
Customs Bureau
Federal Aviation Agency
Federal Communications Commission
Federal Maritime Commission
Federal Power Commission
Federal Register Administrative
Committee
Federal Reserve System
Food and Drug Administration
General Services Administration
Indian Affairs Bureau
Interagency Textile Administrative
Committee
Interstate Commerce Commission
Land Management Bureau
Maritime Administration
Securities and Exchange Commission

Detailed list of Contents appears inside.



Volume 78

UNITED STATES STATUTES AT LARGE

[88th Cong., 2d Sess.]

Contains laws and concurrent resolutions enacted by the Congress during 1964, the twenty-fourth amendment to the Constitution, and Presidential proclamations. Included is a nu-

merical listing of bills enacted into public and private law, and a guide to the legislative history of bills enacted into public law.

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The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements are listed in the first FEDERAL REGISTER issue of each month.

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Contents

THE PRESIDENT

EXECUTIVE ORDER

- National Advisory Council on International Monetary and Financial Problems..... 9571

EXECUTIVE AGENCIES

AGRICULTURE DEPARTMENT

- See Consumer and Marketing Service.

ATOMIC ENERGY COMMISSION

Notices

- Pennsylvania State University; proposed issuance of construction permit..... 9603

CIVIL AERONAUTICS BOARD

Rules and Regulations

- Preservation of air carrier accounts, records, and memoranda; miscellaneous amendments..... 9578

Notices

- Telstar Air Freight, Inc.; order disapproving control and interlocking relationships..... 9607
Hearings, etc.:
Central Airlines..... 9604
Domestic trunkline carriers..... 9604

CIVIL SERVICE COMMISSION

Rules and Regulations

- Excepted services; Treasury Department..... 9585

COMMERCE DEPARTMENT

- See also Maritime Administration.

Notices

- Hebert, Raymond E.; statement of changes in financial interests.... 9603

CONSUMER AND MARKETING SERVICE

Rules and Regulations

- Fruit grown in Arizona and California; handling limitations:
Lemons..... 9573
Oranges, Valencia..... 9573

CUSTOMS BUREAU

Rules and Regulations

- Liquidation of duties; countervailing duties; sugar content of certain articles from Australia..... 9596

Proposed Rule Making

- Ports of entry; consolidation of ports of Buffalo and Niagara Falls, N.Y..... 9597

FEDERAL AVIATION AGENCY

Rules and Regulations

- Control zones and transition areas; alterations and designations (2 documents)..... 9576

- Federal airway; alteration; correction..... 9576

Jet routes:

- Alteration..... 9577

- Alteration; modification..... 9577

- Temporary restricted areas and controlled airspace; designation and alteration..... 9577

Proposed Rule Making

- Controlled airspace; alteration of proposed designation..... 9597

FEDERAL COMMUNICATIONS COMMISSION

Notices

- Community antenna television systems; acquisition by television broadcast licensees..... 9608

Hearings, etc.:

- American Telephone and Telegraph Co..... 9607

- West Central Ohio Broadcasters, Inc..... 9608

FEDERAL MARITIME COMMISSION

Notices

- Horizon Forwarders, Inc.; filing of surety bond..... 9609

- International Expeditors, Inc., et al.; agreements filed for approval..... 9609

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:

- Central Illinois Electric and Gas Co. and Panhandle Eastern Pipe Line Co..... 9603

- CRA, Inc., et al..... 9598

FEDERAL REGISTER

ADMINISTRATIVE COMMITTEE

Rules and Regulations

- Public papers of the Presidents of the United States; weekly compilation of Presidential documents..... 9573

FEDERAL RESERVE SYSTEM

Notices

- Whitney Holding Corp.; order regarding briefs on reconsideration..... 9611

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

- Administration; delegations of authority..... 9574

- Drugs; demethylchlorotetracycline hydrochloride..... 9575

Food additives:

- Adhesives..... 9575

- Dimetridazole..... 9574

- Polyethylene resins, carboxyl modified..... 9575

GENERAL SERVICES ADMINISTRATION

Rules and Regulations

- Federal procurement; miscellaneous amendments..... 9589

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

- See Food and Drug Administration.

INDIAN AFFAIRS BUREAU

Notices

- Property matters; delegation of authority..... 9603

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

Notices

- Certain cotton textiles and products thereof; ITAC actions and restraint levels..... 9598

INTERIOR DEPARTMENT

- See Indian Affairs Bureau; Land Management Bureau.

INTERSTATE COMMERCE COMMISSION

Rules and Regulations

- Preservation of records of freight forwarders..... 9585

Notices

- Fourth section applications for relief..... 9615

Motor carrier:

- Temporary authority applications..... 9612

- Transfer proceedings..... 9614

LAND MANAGEMENT BUREAU

Rules and Regulations

Public Land Orders:

- Alaska; partial revocation of previous orders (2 documents)..... 9594

- California:

- Opening of lands..... 9594

- Partial revocation of Executive order..... 9595

- Oregon; partial revocation of National Forest administrative site withdrawals..... 9595

- Utah; powersite cancellation and partial cancellation..... 9595

MARITIME ADMINISTRATION

Notices

- Construction-differential subsidy; notice to applicants..... 9603

(Continued on next page)

SECURITIES AND EXCHANGE
COMMISSION

Notices

International Hydrocarbons, Ltd.;
hearing 9611

TREASURY DEPARTMENT

See Customs Bureau.

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1965, and specifies how they are affected.

1 CFR		PROPOSED RULES:		41 CFR	
32.....	9573	71.....	9597	1-1.....	9589
3 CFR		19 CFR		1-2.....	9592
EXECUTIVE ORDERS:		16.....	9596	1-3.....	9593
6544 (revoked in part by PLO		PROPOSED RULES:		1-16.....	9593
3745).....	9595	1.....	9597	43 CFR	
11238.....	9571	21 CFR		PUBLIC LAND ORDERS:	
5 CFR		2.....	9574	615 (revoked in part by PLO	
213.....	9585	121 (3 documents).....	9574, 9575	3743).....	9594
7 CFR		146c.....	9575	990 (revoked by PLO 3746).....	9595
908.....	9573			1384 (revoked in part by PLO	
910.....	9573			3742).....	9594
14 CFR				3741.....	9594
71 (4 documents).....	9576, 9577			3742.....	9594
73.....	9577			3743.....	9594
75 (2 documents).....	9577			3744.....	9595
249.....	9578			3745.....	9595
				3746.....	9595
				49 CFR	
				450.....	9585

Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11238

THE NATIONAL ADVISORY COUNCIL ON INTERNATIONAL MONETARY AND FINANCIAL PROBLEMS

By virtue of the authority vested in me by Reorganization Plan No. 4 of 1965, and as President of the United States, it is ordered as follows:

SECTION 1. There is hereby established a new "National Advisory Council on International Monetary and Financial Problems." That Council shall have the same membership, functions, and status as the Council of the same name established by Section 4 of the Bretton Woods Agreements Act (59 Stat. 512; 22 U.S.C. 286b) had immediately prior to the taking effect of Reorganization Plan No. 4 of 1965.

SEC. 2. This Order shall be effective as of July 27, 1965, and, together with the Council established by Section 1, shall terminate on January 1, 1966, or on such earlier date as may hereafter be prescribed.

LYNDON B. JOHNSON

THE WHITE HOUSE,
July 28, 1965.

[F.R. Doc. 65-8145; Filed, July 29, 1965; 4:50 p.m.]

Rites and Ceremonies

THE RITES OF PASSAGE

The rites of passage are the ceremonies which mark the transition from one stage of life to another. They are found in all cultures and are a universal feature of human society. The most common rites of passage are birth, marriage, and death. Each of these rites is a time when the individual is faced with a new role and a new set of responsibilities. The rites of passage are a way of helping the individual to cope with these changes and to find a sense of continuity and purpose in life.

The rites of passage are also a way of passing on the values and traditions of a culture from one generation to the next. They are a time when the young are taught the customs and beliefs of their people and when they are given the opportunity to participate in the life of the community. The rites of passage are a way of creating a sense of belonging and of shared identity among the members of a culture.

The rites of passage are also a way of marking the passage of time and of celebrating the achievements of the individual. They are a time when the individual is recognized for the role they have played in the community and when they are given the opportunity to share their experiences with others. The rites of passage are a way of creating a sense of history and of shared memory among the members of a culture.

The rites of passage are also a way of helping the individual to find a sense of meaning and purpose in life. They are a time when the individual is faced with the question of who they are and what they want to do with their life. The rites of passage are a way of helping the individual to answer these questions and to find a sense of direction and purpose in life.

The rites of passage are also a way of helping the individual to cope with the challenges of life. They are a time when the individual is faced with the uncertainty of the future and the possibility of failure. The rites of passage are a way of helping the individual to face these challenges with courage and resilience and to find a way through the difficulties of life.

The rites of passage are also a way of helping the individual to find a sense of connection and belonging. They are a time when the individual is surrounded by others who are also going through the same process of transition. The rites of passage are a way of helping the individual to find a sense of support and comfort and to know that they are not alone in their journey.

The rites of passage are also a way of helping the individual to find a sense of identity and purpose. They are a time when the individual is faced with the question of who they are and what they want to do with their life. The rites of passage are a way of helping the individual to answer these questions and to find a sense of direction and purpose in life.

Rules and Regulations

Title 1—GENERAL PROVISIONS

Chapter I—Administrative Committee of the Federal Register

PART 32—PUBLIC PAPERS OF THE PRESIDENTS OF THE UNITED STATES

Weekly Compilation of Presidential Documents

Pursuant to the authority vested in the Administrative Committee of the Federal Register (44 U.S.C. 301 et seq.) and in the Attorney General and the Administrator of General Services by Part V of Executive Order No. 10530 (empowering the Attorney General and the Administrator jointly to perform certain functions of the President with respect to the Federal Register Act), Part 32 of Title 1 of the Code of Federal Regulations is hereby amended as follows:

1. Sections 32.1 through 32.22 are designated as "Subpart A—Annual Volumes".

2. A new Subpart B is hereby added to Part 32 to read as follows:

Subpart B—Weekly Compilation

- Sec.
32.30 Publication required.
32.31 Format and indexes.
32.40 Official distribution.
32.50 Public sale.

AUTHORITY: The provisions of this Part 32 issued under sec. 6, 49 Stat. 501, as amended; 44 U.S.C. 306. Sec. 6, E.O. 10530, 19 F.R. 2709; 3 CFR 1954-58 Comp.

§ 32.30 Publication required.

There shall be published promptly, once each week, a special edition of the FEDERAL REGISTER designated "Weekly Compilation of Presidential Documents."

§ 32.31 Format and indexes.

The Weekly Compilation shall be published in the style and binding deemed by the Administrative Committee to be most suitable for public and official use. The Director of the Federal Register shall provide indexes and such other finding aids as may be appropriate to effective use.

§ 32.40 Official distribution.

The Weekly Compilation shall be furnished regularly to members of Congress and to officials of the legislative, judicial and executive branches of the Government in such numbers as are needed for official use. Authorization to make such distribution shall be made in writing to the Director and signed by the authorizing officer. Special needs for selected issues in substantial quantity shall be filled by the timely submission to the Government Printing Office of a printing and binding requisition (Standard Form 1).

§ 32.50 Public sale.

The Weekly Compilation shall be placed on sale to the public by the Super-

intendent of Documents, Government Printing Office, Washington, D.C., 20402, at a price to be determined by him under the general direction of the Administrative Committee.

ADMINISTRATIVE COMMITTEE OF
THE FEDERAL REGISTER,
WAYNE C. GROVER,
Archivist of the United States,
Chairman.

JAMES L. HARRISON,
The Public Printer, Member.
CHARLES F. SIMMS,
Representative of the Attorney
General, Member.

Approved: July 15, 1965.

NICHOLAS DEB. KATZENBACH,
Attorney General.

LAWSON B. KNOTT, JR.,
Administrator of General
Services.

[F.R. Doc. 65-8146; Filed, July 30, 1965;
9:21 a.m.]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 131]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.431 Valencia Orange Regulation 131.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this

section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 29, 1965.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., August 1, 1965, and ending at 12:01 a.m., P.s.t., August 8, 1965, are hereby fixed as follows:

- (i) District 1: 50,000 cartons;
(ii) District 2: 550,000 cartons;
(iii) District 3: Unlimited movement.
(2) As used in this section, "handler," "handler," "District 1," "District 2," and "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: July 30, 1965.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable
Division, Consumer and Mar-
keting Service.

[F.R. Doc. 65-8159; Filed, July 30, 1965;
11:19 a.m.]

[Lemon Reg. 172]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.472 Lemon Regulation 172.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part

910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 27, 1965.

(b) Order. (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., August 1, 1965, and ending at 12:01 a.m., P.s.t., August 8, 1965, are hereby fixed as follows:

- (i) District 1: Unlimited movement;
 - (ii) District 2: 302,250 cartons;
 - (iii) District 3: Unlimited movement.
- (2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: July 29, 1965.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable
Division, Consumer and Mar-
keting Service.

[P.R. Doc. 65-8122; Filed, July 30, 1965;
8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Subpart H—Delegations of Authority

REDELEGATIONS OF AUTHORITY FROM COMMISSIONER TO OTHER OFFICERS OF ADMINISTRATION

Pursuant to authority delegated by the Secretary of Health, Education, and Welfare to the Commissioner of Food and Drugs (25 F.R. 8625), § 2.91(a) is amended to read as follows:

§ 2.91 Redelegations of authority from the Commissioner to other officers of the Administration.

(a) General delegation of authority. The Deputy Commissioner of Food and Drugs, the Assistant Commissioner for Planning, and the Assistant Commissioner for Operations are authorized to perform all the functions of the Commissioner of Food and Drugs.

This order is effective on signature.

(Sec. 701, 52 Stat. 1055; 21 U.S.C. 371; sec. 3(a)(1), 60 Stat. 238; 5 U.S.C. 1002)

TABLE 2—DIMETRIZAZOLE IN COMPLETE TURKEY FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1. Dimetridazole	136-182 (0.015-0.02%)			For turkeys; withdraw 5 days before slaughter; as sole source of dimetridazole; eggs not to be used for food purposes.	Prevention of blackhead (histomoniasis, infectious enterohepatitis).
2. Dimetridazole	544-725 (0.06-0.08%)			For turkeys; feed for not more than 7 days; withdraw 5 days before slaughter; as sole source of dimetridazole; eggs not to be used for food purposes.	As an aid in the control of blackhead (histomoniasis, infectious enterohepatitis).

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if

Dated: July 19, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.
[P.R. Doc. 65-8098; Filed, July 30, 1965;
8:47 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

DIMETRIZAZOLE

Pursuant to a petition (FAP 4D1152) duly filed and upon consideration of other pertinent material, an order was published in the FEDERAL REGISTER of March 19, 1965 (30 F.R. 3641), amending § 121.258 to provide for the safe use of dimetridazole in complete turkey feed. The petition contained data in support of a requirement that the additive not be administered more than 7 days at the 0.06 to 0.08 percent level. Inadvertently, this limitation on usage was omitted from the order. The Commissioner of Food and Drugs has concluded that the error should be corrected by amending the regulation to provide for the inclusion of the intended requirement.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c), 72 Stat. 1786; 21 U.S.C. 348(c)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (29 F.R. 2.90), § 121.258 is amended accordingly and, as corrected, Table 2 reads as follows:

§ 121.258 Dimetridazole.

(c)

the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c), 72 Stat. 1786; 21 U.S.C. 348(c))

Dated: July 26, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[P.R. Doc. 65-8099; Filed, July 30, 1965;
8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ADHESIVES

The Commissioner of Food and Drugs, having evaluated the data in petitions (FAP 5H1736, 5H1738, 5H1739) filed by Carlisle Chemical Works, Inc., Reading, Ohio, 45215, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of bis(tri-*n*-butyltin) oxide, tri-*n*-butyltin acetate, and tri-*n*-butyltin neodecanoate in adhesives as preservatives only. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 121.2520 (c)(5) is amended by inserting alphabetically in the list "Components of Adhesives" the following new items:

§ 121.2520 Adhesives.

(c) * * *

(5) * * *

COMPONENTS OF ADHESIVES
SUBSTANCES AND LIMITATIONS

Bis(tri-*n*-butyltin) oxide.¹

Tri-*n*-butyltin acetate.¹

Tri-*n*-butyltin neodecanoate.¹

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348 (c)(1))

Dated: July 26, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[P.R. Doc. 65-8100; Filed, July 30, 1965; 8:47 a.m.]

¹ For use as preservative only.

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

POLYETHYLENE RESINS, CARBOXYL MODIFIED; REVISION

In the matter of revising the food additive regulation for carboxyl-modified polyethylene resins to permit use of the resins as the food-contact surface of articles that contact all types of food, to revise the description of the resins, to prescribe extractives limits for the food-contact articles, and to delete the abrasion-test requirement:

No comments were received in response to the notice of proposed rule-making in the above-identified matter published in the FEDERAL REGISTER of June 8, 1965 (30 F.R. 7501). The proposal was based in part on a petition (FAP 5B1647) submitted by Spencer Chemical Division of Gulf Oil Corp., Dwight Building, Kansas City, Mo., 64105. It is concluded that the revision proposed should be adopted without change. Therefore, under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 409, 72 Stat. 1785 et seq.; 21 U.S.C. 348), and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.90), § 121.2580 is revised to read as hereinafter set forth.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409, 72 Stat. 1785 et seq.; 21 U.S.C. 348)

Dated: July 26, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

§ 121.2580 Polyethylene resins, carboxyl modified.

Carboxyl-modified polyethylene resins may be safely used as the food-contact surface of articles intended for use in contact with food in accordance with the following prescribed conditions:

(a) For the purpose of this section, carboxyl-modified polyethylene resins consist of basic polymers produced when

ethylene-methyl acrylate basic copolymers, containing no more than 25 weight percent of polymer units derived from methyl acrylate, are made to react in an aqueous medium with one or more of the following substances:

Ammonium hydroxide.
Calcium carbonate.
Potassium hydroxide.
Sodium hydroxide.

(b) The finished food-contact article, when extracted with the solvent or solvents characterizing the type of food and under the conditions of time and temperature characterizing the conditions of its intended use as determined from tables 1 and 2 of § 121.2526(c), yields total extractives in each extracting solvent not to exceed 0.5 milligram per square inch of food-contact surface as determined by the methods described in § 121.2526(d); and if the finished food-contact article is itself the subject of a regulation in this Subpart F, it shall also comply with any specifications and limitations prescribed for it by that regulation. In testing the finished food-contact articles, a separate test sample is to be used for each required extracting solvent.

(c) The provisions of paragraph (b) of this section are not applicable to carboxyl-modified polyethylene resins used in food-packaging adhesives complying with § 121.2520.

[P.R. Doc. 65-8101; Filed, July 30, 1965; 8:47 a.m.]

SUBCHAPTER C—DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

Capsules Demethylchlortetracycline Hydrochloride

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.90), the regulation for the certification of capsules demethylchlortetracycline hydrochloride (21 CFR 146c.252) is amended to specify the exact potencies that are eligible for certification of the drug for human use and to provide for moisture content up to 8 percent when starch is used as a filler for the capsules. The changes are effected by revising the second and third sentences of § 146c.252(a). As amended, paragraph (a) reads as follows:

§ 146c.252 Capsules demethylchlortetracycline hydrochloride.

(a) **Standards of identity, strength, quality, and purity.** Capsules demethylchlortetracycline hydrochloride are capsules composed of crystalline demethylchlortetracycline hydrochloride, with or without one or more suitable and harmless buffer substances, vegetable oils, preservatives, diluents, binders, lubricants, colorings, and flavorings, en-

closed in a gelatin capsule. Each capsule contains 75, 150, or 300 milligrams of demethylchlorotetracycline hydrochloride, except if it is intended for veterinary use each such capsule shall contain not less than 25 milligrams of demethylchlorotetracycline hydrochloride. Its moisture content is not more than 2.0 percent, except if starch is used as a diluent the moisture content is not more than 8.0 percent. The demethylchlorotetracycline hydrochloride used conforms to the requirements prescribed by § 146c.251(a). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

Notice and public procedure and delayed effective date are unnecessary prerequisites to the promulgation of this order, and I so find, since the amendment, which effects a more specific regulation for capsules demethylchlorotetracycline hydrochloride with reference to potency and provides for a moisture change adequately supported by submitted data, involves no points of controversy and is in the public interest.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: July 26, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-8102; Filed, July 30, 1965; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 65-CE-15]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone and Alteration of Transition Areas

In a notice of proposed rule making published in the FEDERAL REGISTER (30 F.R. 2608) and a supplemental notice of proposed rule making published in the FEDERAL REGISTER (30 F.R. 5908) it was stated that the Federal Aviation Agency proposed to alter controlled airspace in the Jefferson City, Mo., and Columbia, Mo., terminal areas.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., September 16, 1965, as hereinafter set forth.

1. In § 71.171 (29 F.R. 17581) the following is added:

JEFFERSON CITY, Mo.

Within a 5-mile radius of Jefferson City Memorial Airport (latitude 38°35'33" N., longitude 92°09'39" W.), within 2 miles each side of the Jefferson City VOR 308° radial, extending from the 5-mile radius zone to 8 miles NW of the VOR, and within 2 miles each side of the Jefferson City VOR 119° radial, extending from the 5-mile radius zone to 8 miles SE of the VOR. This control zone shall be effective during the times established by a Notice to Airmen and continuously published in the Airman's Information Manual.

2. In § 71.181 (29 F.R. 17643), the Jefferson City, Mo., and Columbia, Mo., transition areas are amended to read:

JEFFERSON CITY, Mo.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Jefferson City Memorial Airport (latitude 38°35'33" N., longitude 92°09'39" W.), within 2 miles each side of the Jefferson City VOR 308° radial extending from the 8-mile radius area to 8 miles NW of the VOR; and within 5 miles NE and 8 miles SW of the Jefferson City VOR 119° radial extending from the VOR to 12 miles SE.

COLUMBIA, Mo.

That airspace extending upward from 700 feet above the surface bounded on the N by latitude 39°09'00" N., on the W by longitude 92°31'00" W., on the S by latitude 38°53'30" N., on the E by longitude 92°14'00" W., and within 2 miles each side of the Columbia VOR 176° radial extending from the VOR to 13 miles S of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 38°38'40" N., longitude 92°31'00" W., thence N along longitude 92°31'00" W., to latitude 38°53'30" N., thence E along latitude 38°53'30" N., to longitude 92°14'00" W., thence S along longitude 92°14'00" W., to latitude 38°43'30" N., thence SE to latitude 38°39'10" N., longitude 92°06'15" W., thence SW to latitude 38°29'40" N., longitude 92°14'45" W., thence NW to the point of beginning.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on July 22, 1965.

DONALD S. KING,
Acting Director, Central Region.

[F.R. Doc. 65-8074; Filed, July 30, 1965; 8:45 a.m.]

[Airspace Docket No. 65-CE-36]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone and Alteration of Transition Area

In a notice of proposed rule making published in the FEDERAL REGISTER on April 7, 1965 (30 F.R. 4489), it was stated that the Federal Aviation Agency proposed to alter the controlled airspace in the Cape Girardeau, Mo., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., October 14, 1965, as hereinafter set forth.

1. In § 71.171 (29 F.R. 17581) the following is added:

CAPE GIRARDEAU, Mo.

Within a 5-mile radius of the Cape Girardeau Municipal Airport (latitude 37°13'32" N., longitude 89°34'13" W.), within 2 miles each side of the Cape Girardeau VOR 036° radial extending from the 5-mile radius zone to 8 miles NE of the VOR, and within 2 miles each side of the Cape Girardeau VOR 196° radial extending from the 5-mile radius zone to 8 miles S of the VOR.

2. In § 71.181 (29 F.R. 17643), the Cape Girardeau, Mo., transition area is amended to read:

CAPE GIRARDEAU, Mo.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Cape Girardeau Municipal Airport (latitude 37°13'32" N., longitude 89°34'13" W.) and within 5 miles E and 8 miles W of the Cape Girardeau VOR 196° radial extending from the VOR to 12 miles S; and that airspace extending upward from 1,200 feet above the surface within 5 miles W and 8 miles E of the Cape Girardeau VOR 036° radial extending from the VOR to 12 miles NE.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on July 20, 1965.

DONALD S. KING,
Acting Director, Central Region.

[F.R. Doc. 65-8075; Filed, July 30, 1965; 8:45 a.m.]

[Airspace Docket No. 64-EA-47]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Federal Airways and Reporting Points; Amendment of Designation and Alteration

On June 29, 1965, Federal Register Document 65-6760 was published in the FEDERAL REGISTER (30 F.R. 8264) effective August 19, 1965. This document contained amendments to several Federal airways listed in Part 71 of the Federal Aviation Regulations. Subsequent to the publication of the document, an inadvertent error was discovered which revoked the segment of VOR Federal airway No. 6 from Solberg, N.J., to the intersection of the Solberg 094° and the Kennedy, N.Y., 258° radials which was not proposed in the notice of proposed rule making of Airspace Docket No. 64-EA-47 (30 F.R. 4207). Action is taken herein to correct this error.

Since this amendment is editorial in nature and imposes no additional burden on any person, the Administrator finds that compliance with section 4 of the Administrative Procedure Act is unnecessary, and the effective date of the final rule as initially adopted may be retained.

In consideration of the foregoing, effective immediately, Federal Register Document 65-6760 (30 F.R. 8264) is amended as hereinafter set forth.

In Item 1., paragraph b. is amended to read:

b. In V-6 everything after "Selinsgrove, Pa.:" is deleted and "INT of Selinsgrove 087° and Allentown, Pa., 283°

radials; Allentown; Solberg, N.J.; to INT of Solberg 094° and Kennedy, N.Y., 258° radials. The airspace within R-4803 is excluded." is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 26, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations
and Procedures Division.

[F.R. Doc. 65-8076; Filed, July 30, 1965;
8:45 a.m.]

[Airspace Docket No. 65-SW-23]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 73—SPECIAL USE AIRSPACE

Designation of Temporary Restricted Areas and Alteration of Controlled Airspace

On June 8, 1965, a notice of proposed rule making was published in the *FEDERAL REGISTER* (30 F.R. 7503) stating that the Federal Aviation Agency was considering amendments to Parts 73 and 71 of the Federal Aviation Regulations that would establish two temporary restricted areas at White Sands Proving Grounds, N. Mex., and alter the description of the continental control area to reflect the establishment of the restricted areas.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Due consideration was given to all relevant matter presented.

The National Business Aircraft Association stated that provision should be made for public access to the Socorro, N. Mex., airport and that failure to do so would be a serious restriction of essential civil air traffic. As a result of this statement the Department of the Air Force has agreed to the designation of a floor of 6,000 feet mean-sea level (MSL) for those parts of the restricted areas situated west of longitude 106°52'00". This not only provides access to the Socorro Airport, but permits VFR aircraft to follow the natural north-south flyway along U.S. Highway No. 85 and remain clear of the restricted areas.

The Department of Aviation, State of New Mexico, stated that if the proposed restricted areas were necessary for national defense they would not oppose them and recommended that a statement be printed directly on the face of charts explaining that the areas can be used when not being utilized by the military. The Air Force has assured the FAA that there is an urgent and valid requirement for these tests, and the Agency has determined that the tests can be accommodated along with civil aviation requirements. Information that the restricted airspace may be used upon prior approval by appropriate authority has been widely disseminated in aeronautical publications and on aeronautical charts, and

it is not considered desirable to increase chart clutter by publishing this information on the face of the charts.

The Air Transport Association of America stated that activation of the restricted areas would impose unacceptable delays to scheduled air-carrier flights and recommended that, if the areas are designated, the FAA place limitations on military use by requiring the planned six missile firings be timed so as not to conflict with scheduled airline flights through the area. The Air Force has agreed to coordinate the missile launchings with the Albuquerque ARTC Center so they will have a minimum impact on published air-carrier schedules. However, once a missile launching schedule has been determined it will not be sufficiently flexible to accommodate air-carrier flights which are unable to meet their own schedules.

Additionally, the proposed time of designation is amended to indicate that the restricted areas will be activated by issuance of NOTAM's at least 24 hours in advance of use. Since this change is essentially procedural and less restrictive in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Parts 73 and 71 of the Federal Aviation Regulations are amended, effective 0001 e.s.t., September 15, 1965, as hereinafter set forth.

1. In § 73.51 (29 F.R. 17756), the following restricted areas are added:

R-5116A WHITE SANDS PROVING GROUNDS, N. MEX.

Boundaries: Beginning at latitude 33°53'40" N., longitude 106°44'35" W.; to latitude 34°20'35" N., longitude 107°02'35" W.; to latitude 34°25'00" N., longitude 106°51'45" W.; to latitude 34°09'55" N., longitude 106°41'35" W.; to the point of beginning.

Designated Altitudes: Surface to FL 240, excluding the airspace below 6,000 feet MSL W of longitude 106°52'00" W.

Time of Designation: Sunrise to sunset, September 15, 1965, through February 1, 1966, as published in NOTAMs 24 hours in advance of use.

Controlling Agency: Federal Aviation Agency, Albuquerque ARTC Center.

Using Agency: Commander, Holloman AFB, N. Mex.

R-5116B WHITE SANDS PROVING GROUNDS, N. MEX.

Boundaries: Beginning at latitude 33°45'00" N., longitude 106°46'10" W.; to latitude 34°09'30" N., longitude 107°16'15" W.; to latitude 34°16'45" N., longitude 107°07'50" W.; to latitude 33°57'15" N., longitude 106°44'00" W.; to the point of beginning.

Designated Altitudes: Surface to FL 240, excluding the airspace below 6,000 feet MSL W of longitude 106°52'00" W.

Time of Designation: Sunrise to sunset, September 15, 1965, through February 1, 1966, as published in NOTAMs 24 hours in advance of use.

Controlling Agency: Federal Aviation Agency, Albuquerque ARTC Center.

Using Agency: Commander, Holloman AFB, N. Mex.

2. In § 71.151 (29 F.R. 17550), "R-5116A White Sands Proving Grounds, N. Mex." and "R-5116B White Sands Proving Grounds, N. Mex." are added.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 27, 1965.

ARCHIE W. LEAGUE,
Director, Air Traffic Service.

[F.R. Doc. 65-8077; Filed, July 30, 1965;
8:45 a.m.]

[Airspace Docket No. 65-WA-5]

PART 75—ESTABLISHMENT OF JET ROUTES

Amendment of Realignment and Revocation of Jet Routes

On June 16, 1965, Federal Register Document No. 65-6228 was published in the *FEDERAL REGISTER* (30 F.R. 7745) amending Part 75 of the Federal Aviation Regulations, effective August 15, 1965, by realignment of Jet Route No. 18 in part from St. Johns, Ariz., via INT of St. Johns 071° and Las Vegas, N. Mex., 246° radials; to Las Vegas. Such action would place J-18 over Albuquerque, N. Mex., VORTAC without using this facility in its description. Jet Route No. 13 is designated in part from Albuquerque, N. Mex., to Las Vegas, N. Mex. Designation of J-18 over Albuquerque without use of Albuquerque in its description as specified in Federal Register Document No. 65-6228 would result in chart clutter and possible confusion as to the alignment of jet routes between Albuquerque and Las Vegas. Therefore, action is taken herein to include Albuquerque in the description of J-18.

Since this alteration is editorial in nature and retains essentially the same alignment of J-18 as specified in Federal Register Document No. 65-6228, the Administrator finds that notice and public procedure hereon are unnecessary and the effective date of the amendment as initially adopted may be retained.

In consideration of the foregoing, Federal Register Document No. 65-6228 (30 F.R. 7745) is amended, effective immediately, as hereinafter set forth.

In paragraph 1., the description of Jet Route No. 18 is amended as follows: "INT of St. Johns 071° and Las Vegas, N. Mex., 246° radials;" is deleted and "Albuquerque, N. Mex.," is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 27, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations
and Procedures Division.

[F.R. Doc. 65-8096; Filed, July 30, 1965;
8:47 a.m.]

[Airspace Docket No. 65-WA-48]

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration of Jet Routes

Jet Route No. 503 is presently designated from Seattle, Wash., to the United States/Canadian border via the Seattle direct radial to the Princeton, British Columbia, RR. Jet Route No. 517 is presently designated from Spokane, Wash., to Kimberley, British Columbia,

RR, excluding the portion which lies over Canadian territory.

The Canadian Department of Transport (DOT) plans to commission VOR's at Princeton and Kimberley and to realign Jet Routes/High Level Airways Nos. 503 and 517 via the new VOR's, effective August 26, 1965.

Action is taken herein to realign Jet Routes Nos. 503 and 517 so that the United States portions of these routes will be compatible with the Canadian portions of these routes.

Since these modifications would effect a negligible change in the airspace assignments within the United States and would impose no undue burden on any person, the Administrator finds that notice and public procedure hereon are unnecessary and they may be made effective less than 30 days after publication of this action.

In consideration of the foregoing, § 75.100 (29 F.R. 17776), is amended effective 0001 e.s.t., August 26, 1965, as hereinafter set forth.

a. In Jet Route No. 503 "the Princeton, British Columbia, RR." is deleted and "Princeton, British Columbia" is substituted therefor.

b. In Jet Route No. 517 "RR." is deleted.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 27, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations
and Procedures Division.

[F.R. Doc. 65-8097; Filed, July 30, 1965;
8:47 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-440]

PART 249—PRESERVATION OF AIR CARRIER ACCOUNTS, RECORDS AND MEMORANDA

Uniform Rules for Air Freight Forwarders and International Air Freight Forwarders; Supplemental Air Carriers and Certificated Route Air Carriers

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of July 1965.

The Board has published in 30 F.R. 2713 and circulated to the industry in EDR-80, dated February 10, 1965, Docket 15849, a notice of proposed rule making with respect to Part 249 of the Economic Regulations which proposed to (1) update the rules pertaining to record retention by air freight forwarders and international air freight forwarders and standardize the record-retention requirements for freight forwarders subject to Federal regulation and (2) effect certain changes applicable to supplemental air carriers.

One air freight forwarder, Emery Air Freight Corp. (Emery), filed a comment.

In finalizing the proposed rule, the following modifications have been made in the light of the comment received and other considerations.

1. We have modified some of the terminology used in Category H (Shipping and Agency Documents) of proposed § 249.27 in view of the comments of Emery. Thus, in Item 1 of Category H, § 249.27, infra, we shall (1) specifically refer to airwaybills, pick-up receipts and delivery receipts; and (2) substitute "underlying" for "interline" waybills and freight bills and make clear that the terms "waybills" and "freight bills" used therein refer to those received from carriers, those made to carriers and those issued to shippers. Also, we shall make clear in Items 3 (a) and (b), Category H, proposed § 249.27 (now Item 4(a), Category H, § 249.27, infra) that records of freight received, forwarded and transferred are required to be retained. In addition, in Item 2(b) of Category H, proposed § 249.27 (now Item 1, Category H, § 249.27, infra) we shall require freight forwarders to retain copies of underlying waybills, freight bills and airwaybills issued to shippers as well as those made to carriers. We have also made certain clarifying and editorial changes in Category H and have consolidated and renumbered the items comprised therein (see Category H, § 249.27, infra).

2. The Notice (item 6(e), Category "B. Treasury," proposed § 249.27) proposes that bank reconciliations, and checks and drafts issued and not presented, be retained by freight forwarders for three years with microfilming permissible after two years. Through inadvertence, the term "checks canceled by banks" was omitted from this item in the Notice. This has been corrected in the final rule (see § 249.27, item 6(e), category of records "B. Treasury," infra).

3. The existing regulation applicable to the air freight forwarders provides that the Board may upon application or upon its motion grant waivers from any provisions of the part (existing § 249.4). We shall include a similar provision for waivers in new subpart B, Air Freight Forwarders and International Air Freight Forwarders (§ 249.28, infra). This will obviate the necessity for the provision for special authority to destroy records set forth in the Notice as proposed § 249.22(b). Accordingly, proposed § 249.22(b) has been dropped from the final rule.

4. In conjunction with the finalization of EDR-80 we have reviewed the record-retention requirements of the direct air carriers. It now appears that certain of the requirements with respect to tariffs can be reduced. The present regulation requires that the tariffs of the supplemental air carriers and the certificated route air carriers be retained permanently, with permission granted to route carriers to microfilm them after retaining the original tariffs for six years subsequent to their cancellation (see existing § 249.8, item 2 of category of records; existing § 249.13(f), item 155 of category of records). We shall amplify the description of tariff records of the route air carriers and supplemental air carriers to correspond generally to the description of tariffs of the freight forwarders, and shall reduce such retention periods for the route air carriers and

supplemental air carriers from "permanent" to a period of not over three years after expiration. (See § 249.8, item 2 of category of records; § 249.13(f), item 155 of category of records, infra.)

Certain modifications requested by Emery have not been adopted. These will be briefly summarized below.

Reductions of retention periods and less restrictive microfilm provisions. With respect to shipping and agency documents, Emery makes a general objection to the lengthening of the retention periods, and a specific objection to the two-year microfilm provision for such documents which must be retained for three years (Category H, proposed § 249.27). Its general objection is that the proposed retention periods of two or three years are substantially longer than the present one-year "catchall" provision for retention of shipping records in existing § 249.9. Emery asserts that there are very few air freight forwarders which are also under the jurisdiction of the Interstate Commerce Commission (ICC) and which would benefit from uniform record-retention regulations and that it is unfair to "saddle" substantially longer retention periods on the many air freight forwarders including the largest one (Emery) in order to benefit the relatively few who are under the dual record-retention requirements. Emery's specific objection is that the authorization for microfilming shipping and agency documents with a retention requirement of three years after keeping the records in their original form for two years, is too restrictive to be of substantial benefit to the air freight forwarders. It states that if records which must be retained for three years have to be kept in their original form for two of the three years, it would be more economical to retain them in their original form for the third year than to sort, film and certify them and file the film copies for only a one-year period. In effect, Emery requests permission to microfilm such records after retaining them in their original form for one year.

We shall overrule Emery's objections and finalize the retention periods and microfilm indicators of shipping and agency documents as proposed in the Notice. (See Category H, § 249.27, infra.) With respect to Emery's specific objection to the authorization for microfilming shipping and agency documents with a retention requirement of three years after keeping the records in their original form for two years, we are informed that the operating procedures of the Interstate Commerce Commission call for the audit of freight forwarder accounts and records. Obviously, the documents pertaining to the earliest part of the year under review are more than one year old before the audit begins. As the original documents facilitate audit more than microfilm copies thereof, it is essential that shipping and agency documents of freight forwarders with a retention period of three years be kept in their original form for two years before microfilming, rather than for one year as Emery requested.

In answer to Emery's general objection, the basic concept of the regulation is to achieve uniformity in the record-

retention requirements of the freight forwarders subject to Federal regulation. The Notice reflects reductions in the record-retention periods for shipping and agency documents from the existing ICC requirements (49 CFR 450.11) and the ICC has informed us that further reductions from either the retention periods or microfilm indicators set forth in the Notice would not be in the public interest. We realize that at the present time there are many freight forwarders which are not subject to the dual jurisdiction of the CAB and the ICC. However, the Board believes that, as air and surface operations become more coordinated, there will be an increase in the number of freight forwarders subject to dual jurisdiction. In view of the desirability of having consistent record-retention requirements for both agencies, we believe that the finalization of the rule as proposed, except for the changes heretofore described, will not impose an undue or unreasonable burden on the freight forwarders and is in the public interest. However, we shall entertain applications for waivers under § 249.28, *infra*, based upon a showing of undue burden flowing from compliance with the provisions of the regulation.

Records disposal procedure. Emery objects to the proposed requirements (§§ 249.24 and 249.25) that each freight forwarder appoint an officer or other responsible supervisory employee to (1) supervise the destruction of records, (2) maintain a comprehensive list describing all records that have been destroyed and (3) have such list available for inspection in the office of the supervising officer or employee. Emery states that a detailed and clearly defined records retention schedule such as that set forth in the notice should obviate the need for either the formal designation of an official to administer the disposal operation or other aspects of the proposed disposal procedure. It suggests that the responsibility for compliance with the Board's record-retention regulations should be left to management which in its discretion could delegate disposal of records to heads of departments that generate or accumulate the records required to be retained.

We shall overrule this objection. The proposed provisions will centralize the responsibility for destruction of records and thus facilitate enforcement by the regulatory agency of the carrier's compliance with the regulation. These provisions are a reasonable regulatory requirement and should not impose an unreasonable burden upon any indirect air carrier. In fact, they merely revise existing provisions in the Interstate Commerce Commission's regulations for freight forwarders.¹ We shall, however, make certain clarifying and editorial changes in the provisions to emphasize that the officer or supervisory employee appointed under §§ 249.24 and 249.25, *infra*, shall have ultimate responsibility for the destruction of records and documents rather than actual supervisory functions in connection with the physical destruction of the records.

Certain editorial and minor changes have been made in other sections of the rule; see e.g. § 249.27, Category C-3; § 249.27, Category H-5 through H-10; § 249.27, Category J-2; § 249.27, Index to records, Category H, *infra*.

Pursuant to § 302.38(d), express provision is hereby made for the filing of petitions for reconsideration with respect to the reduction in the record-retention requirements for tariffs of the supplemental air carriers and the certificated route air carriers (§§ 249.8 and 249.13(f), *infra*). Petitions for reconsideration and answers thereto shall be governed by the provisions of § 302.37.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 249 of its Economic Regulations (14 CFR Part 249), effective September 1, 1965, as follows:

1. Designate §§ 249.1 through 249.14 of existing Part 249 as "Subpart A—Air Carriers other than Air Freight Forwarders and International Air Freight Forwarders."

2. Amend § 249.1 by (1) striking the reference to large irregular air carriers, air freight forwarders and international air freight forwarders, (2) deleting subparagraph (b), and (3) redesignating subparagraphs (c) and (d) as (b) and (c), respectively. As amended, § 249.1 will read as follows:

§ 249.1 Applicability.

Except as otherwise provided in this subpart or other parts of this subchapter, the provisions of this subpart shall apply to (a) air carriers, as defined in section 101(3) of the Act, which hold certificates of public convenience and necessity, supplemental air carriers, subject to the reporting requirements of Part 241 of the subchapter and former Part 242 of this subchapter, (b) holders of a permit authorizing the navigation in the United States of foreign civil aircraft pursuant to Part 375 of this chapter (Board's special regulations), and (c) foreign air carriers, as defined in section 101(19) of the Act.

3. Amend § 249.2 by modifying the definition of "Certificated route air carrier" and by defining "Supplemental air carrier" as follows:

§ 249.2 Definitions.

For the purposes of this subpart:

"Certificated route air carrier" means the holder of a certificate of public convenience and necessity issued by the Civil Aeronautics Board under section 401(d) (1) and (2) of the Act, authorizing the holder to provide unlimited scheduled service over designated routes.

"Supplemental air carrier" shall mean any air carrier holding a certificate issued under section 401(d) (3) of the Federal Aviation Act of 1958, as amended, or

¹ E.g., the notice provided for the retention of copies of quarterly reports to regulatory bodies and supporting papers (§ 249.27, Category J-2). The final rule requires the retention of such semiannual as well as quarterly reports since air freight forwarders report under Part 244 of the Board's Economic Regulations on a semiannual basis. (See § 249.27, Category J-2, *infra*.)

a special operating authorization issued under section 417 of the Federal Aviation Act, or operating authority issued pursuant to section 7 or 9 of Public Law 87-528.

4. Amend § 249.4 to effect editorial changes so that the section will read as follows:

§ 249.4 Waivers of requirements of this subpart.

A waiver from any provision of this subpart may be made by the Board upon its own initiative or upon submission of a written request therefor by any air carrier or air carriers. Each request for waiver shall demonstrate that unusual circumstances warrant a departure from prescribed retention periods, procedures or techniques or that compliance with such prescribed requirements would impose an unreasonable burden upon the air carrier, and that the granting of the waiver would be in the public interest.

5. Amend the title to § 249.5 to read as follows:

§ 249.5 Accidental loss or destruction of records.

6. Amend the first paragraph of § 249.7 by (1) deleting the reference to air freight forwarders and international air freight forwarders in the last sentence thereof and (2) making editorial changes. As amended, the first paragraph reads as follows:

§ 249.7 Preservation of records on microfilm.

Microfilms which are prepared in accordance with the requirements of this section may be substituted for original documents with respect to all categories of records where such substitution has been specifically authorized in this subpart. Microfilms may be substituted for those categories of records required to be retained under § 249.13 where, and to the extent that, such substitution is specifically authorized in the "Schedule of Records" therein contained: *Provided, however*, That all such substitution shall only be made when the records involved are not subject to the retention requirements of § 249.13(e). Microfilms may not be substituted for any category of records required to be retained for the relatively limited time periods prescribed in §§ 249.8 to 249.12 except to the extent that a waiver from this prohibition with respect to any particular category of records is obtained pursuant to § 249.4.

7. Amend § 249.8 by (1) updating the title, the text of the section and item 1 of the "Category of records," (2) modifying item 2 of the "Category of records," and (3) adding items 13 and 14 to said "Category of records." As modified, § 249.8 will read:

§ 249.8 Period of preservation of records by supplemental air carriers.

Each supplemental air carrier shall retain its records in accordance with the provisions of this section. All records of the categories set forth in this section shall be preserved, for the duration of the retention periods set forth below, at the carrier's principal office.

¹ 49 CFR 450.3, 450.4, and 450.5.

ME—Indicates records for which microfilm may be substituted for the retention of original records only for the period subsequent to the expiration, cancellation, supersession, or other condition shown in the column, "Period to be Retained." Thus, for Category 9(c) microfilms are not acceptable for current leases; however, they are acceptable for leases upon termination thereof, the retention period for which is 3 years after termination.

til receipt of a written notice from the Board, which specifically authorizes destruction of such documents:

10. Amend § 249.13(f) by (1) changing the last narrative paragraph commencing "ME" and (2) modifying item 155 of the "Category of records." As modified, § 249.13(f) will read in part as follows:

SCHEDULE OF RECORDS

Category of records	Period to be retained	Microfilm indicator
REVENUES		
155. Tariffs and rates:		
(a) Tariffs, classifications, division sheets, and circulars relative to the transportation of persons and property in the general files of the department in which the complete official file is maintained.	3 years after expiration or cancellation.	ME.
(b) Tariffs, classifications, division sheets, and circulars in other departments and at agencies, if copies of the same issues of such tariffs, etc., are preserved in the general files referred to in item (a) above.	Until expiration or cancellation	
(c) Special or reduced-rate orders and supporting papers, covering the movement of persons and property.	3 years.	M-1.
(d) Copies of concurrences and powers of attorney filed with regulatory bodies.	2 years after expiration or cancellation.	ME.
(e) Correspondence and working papers in connection with the making of rates and compilation of tariffs, classifications, division sheets, and circulars affecting the transportation of persons and property.	3 years after cancellation or expiration of tariff.	ME.

11. Amend § 249.14 by making editorial changes so that the section will read as follows:

§ 249.14 Effective date.

The retention requirements prescribed in this subpart shall be applicable to all records which were in the custody of any air carrier, subject to its provisions, on June 10, 1961, as well as to all records subsequently acquired. With respect to individual records, each retention period herein prescribed shall commence upon the date when the records are created or otherwise come into the possession of the air carrier.

12. Add new Subpart B as follows:

Subpart B—Air Freight Forwarders and International Air Freight Forwarders

Sec.
249.20 Applicability.
249.21 Introduction.
249.22 Authority to destroy records.
249.23 Photographic copies.

Category of records

1. All accounts, records and memoranda (including accounts, records and memoranda of the movement of traffic as well as the receipts and expenditures of money), which are needed in order to accomplish full compliance with the reporting requirements of Part 241 of this subchapter:
 - (a) As related to statistical reports (including copies of flight and auditor's coupons).
 - (b) As related to flight reports.

2. Tariffs and rates:

- (a) Tariffs, classifications, division sheets, and circulars relative to the transportation of persons and property in the general files of the department in which the complete official file is maintained.
- (b) Tariffs, classifications, division sheets, and circulars in other departments and at agencies, if copies of the same issues of such tariffs, etc., are preserved in the general files referred to in item (a) above.
- (c) Special or reduced-rate orders and supporting papers, covering the movement of persons and property.
- (d) Copies of concurrences and powers of attorney filed with regulatory bodies.
- (e) Correspondence and working papers in connection with the making of rates and compilation of tariffs, classifications, division sheets, and circulars affecting the transportation of persons and property.

13. (a) Every charter contract.----- 2 years.
(b) All passenger manifests, including those filed by charterers.----- 1 year.
14. The following documents pertaining to Part 235 of the Economic Regulations:
 - (a) Every "Statement of Supporting Information"----- 2 years.
(b) All post-flight reports and vouchers submitted therewith.----- Do.
(c) Proof of the commission paid to any travel agent by the carrier.----- Do.

The requirements of this item are also applicable to those records which were needed in order to accomplish full compliance with the reporting requirements of former Part 242 of this subchapter, which was repealed by Regulation ER-371, effective Dec. 31, 1962, 27 F.R. 12227. In other words, records required by Part 242 of this subchapter to be preserved must be retained until expiration of the retention periods prescribed under item 1 above.

§§ 249.9, 249.10 [Deleted]

8. Delete §§ 249.9 and 249.10.

§ 249.13 [Amended]

9. Amend § 249.13(c) and the introductory text of § 249.13(e) (no change in subparagraphs (1) and (2) of paragraph (e)). Section 249.13(c) and the introductory text of § 249.13(e) will read as follows:

(c) Each certificated route air carrier which has been joined as a party to a pending case arising under any section of the Act other than section 406 shall continue to preserve all records in accordance with the provisions of this section and subpart as though no such proceeding were pending unless prior to the occurrence of otherwise authorized destruction the air carrier has received a written notice from the Board directing that specific records (identified by category and period covered) be preserved until final adjudication of the pending proceeding. In such event, the air carrier shall continue to preserve such records until final adjudication of the proceeding.

- (e) Notwithstanding any other provisions of this section or subpart, each air carrier shall preserve original documents set forth below (except those relating to mail compensation for months in which the carrier is not operating under a mail rate including a "subsidy" element) unless:

ME—Indicates records for which microfilm may be substituted for the retention of original records only for the period subsequent to the expiration, cancellation, supersession, or other condition shown in the column, "Period to be Retained." Thus, for Category 9(c) microfilms are not acceptable for current leases; however, they are acceptable for leases upon termination thereof, the retention period for which is 3 years after termination.

til receipt of a written notice from the Board, which specifically authorizes destruction of such documents:

10. Amend § 249.13(f) by (1) changing the last narrative paragraph commencing "ME" and (2) modifying item 155 of the "Category of records." As modified, § 249.13(f) will read in part as follows:

SCHEDULE OF RECORDS

Category of records	Period to be retained	Microfilm indicator
REVENUES		
155. Tariffs and rates:		
(a) Tariffs, classifications, division sheets, and circulars relative to the transportation of persons and property in the general files of the department in which the complete official file is maintained.	3 years after expiration or cancellation.	ME.
(b) Tariffs, classifications, division sheets, and circulars in other departments and at agencies, if copies of the same issues of such tariffs, etc., are preserved in the general files referred to in item (a) above.	Until expiration or cancellation	
(c) Special or reduced-rate orders and supporting papers, covering the movement of persons and property.	3 years.	M-1.
(d) Copies of concurrences and powers of attorney filed with regulatory bodies.	2 years after expiration or cancellation.	ME.
(e) Correspondence and working papers in connection with the making of rates and compilation of tariffs, classifications, division sheets, and circulars affecting the transportation of persons and property.	3 years after cancellation or expiration of tariff.	ME.

11. Amend § 249.14 by making editorial changes so that the section will read as follows:

§ 249.14 Effective date.

The retention requirements prescribed in this subpart shall be applicable to all records which were in the custody of any air carrier, subject to its provisions, on June 10, 1961, as well as to all records subsequently acquired. With respect to individual records, each retention period herein prescribed shall commence upon the date when the records are created or otherwise come into the possession of the air carrier.

12. Add new Subpart B as follows:

Sec.
249.20 Applicability.
249.21 Introduction.
249.22 Authority to destroy records.
249.23 Photographic copies.

ME—Indicates records for which microfilm may be substituted for the retention of original records only for the period subsequent to the expiration, cancellation, supersession, or other condition shown in the column, "Period to be Retained." Thus, for Category 9(c) microfilms are not acceptable for current leases; however, they are acceptable for leases upon termination thereof, the retention period for which is 3 years after termination.

til receipt of a written notice from the Board, which specifically authorizes destruction of such documents:

10. Amend § 249.13(f) by (1) changing the last narrative paragraph commencing "ME" and (2) modifying item 155 of the "Category of records." As modified, § 249.13(f) will read in part as follows:

prescribes the length of time the same shall be preserved, but mention of a record or document hereinafter imposes no requirement that such record shall be installed if its purpose is otherwise being adequately served. Nothing contained in this subpart shall be construed to excuse noncompliance with requirements of any other governmental body, Federal or State, prescribing longer retention periods for any category of records.

§ 249.22 Authority to destroy records.

Freight forwarders subject to this subpart may destroy records or documents named or described in this subpart after they have been preserved for the periods of time herein prescribed.

§ 249.23 Photographic copies.

(a) All records and documents must be preserved in their original form for the periods specified in the "Schedule of Records" unless the records and documents are suitably photographed and the microfilm is retained in lieu of the original record for the required retention period, subject to the limitations indicated below. A "Microfilm indicator" has been added to the "Schedule of Records" to show when microfilms may be substituted for retention of the original record. In the absence of an indicator, microfilms may not be substituted for the original records unless a waiver is granted pursuant to § 249.28.

(b) An explanation of the symbols used as the microfilm indicators follows:

"M" (for Microfilm) indicates that microfilms may be substituted for retention of the original records at any time.

"M-1", "M-2", etc., indicates that microfilms may be substituted for retention of the original records only after the original records have been retained in their original form for the number of years corresponding to the numeral.

"ME" (for Microfilm and for Expiration) indicates that microfilms may be substituted for retention of the original records only for the period subsequent to the expiration, cancellation, superseding, or other condition shown in the column for "Retention periods" in the "Schedule of Records." Thus, for item A-3(b) microfilms are not acceptable as a substitute for the contracts until they have expired or have been canceled. At that time microfilms may be substituted for the original contracts for the required 3 years after the expiration or cancellation.

(c) To be acceptable in lieu of original records, photographic copies of

records must meet the following minimum requirements:

(1) Photographic copies shall be no less readily accessible than the original record or document as normally filed or preserved would be, and suitable means or facilities shall be available to locate, identify, read or reproduce such photographic copies.

(2) Any significant characteristic, feature, or other attribute of the original record or document, which photography in black and white will not preserve, shall be clearly indicated before the photograph is made.

(3) The reverse side of printed forms need not be copied if nothing has been added to the printed matter common to all such forms, but an identified specimen of such form shall be on the film for reference.

(4) Film used for photographing copies shall be of permanent record type meeting in all respects the minimum specifications of the National Bureau of Standards, and all processes recommended by the manufacturer shall be observed to protect it from deterioration or accidental destruction.

(5) Each roll of film shall include a microfilm of a certificate or certificates stating that the photographs are direct and facsimile reproductions of the original records and that they have been made in accordance with prescribed instructions. Such certificate or certificates shall be executed by a person or persons having personal knowledge of the facts covered thereby.

§ 249.24 Supervision of destruction.

(a) Immediately upon the effective date of this subpart, each freight forwarder subject thereto shall appoint an officer or other supervisory employee to be responsible for the destruction of records and documents. Such appointment shall be by formal corporate act of the board of directors or its executive committee. Designation may be made by title only, rather than by name and title, and thus obviate the necessity for a new resolution or order each time a successor is appointed. An existing appointment in conformity with the procedure indicated herein which was made under prior regulations shall be recognized as being in compliance with the regulations herein.

(b) If the property of a freight forwarder subject to this subpart is in the hands of a trustee, executor, administrator, or assignee, the officer or other employee to have responsibility for the destruction of records and documents shall be designated by such trustee, executor, administrator, or assignee.

(c) It is not required that a copy of the resolution or order of appointment be filed with the Board.

§ 249.25 List of records destroyed.

(a) The responsible officer or employee shall maintain a comprehensive list describing all records and documents which have been destroyed pursuant to this subpart. The list so maintained shall include all records and documents destroyed, including microfilms destroyed. This list shall include form numbers and descriptive titles (or descriptions) of the records destroyed and the periods covered.

(b) The list so maintained shall be available for inspection in the office of the responsible officer or employee and shall be in such detail that the destroyed records or documents may be identified and the time, place, and method of destruction can be established. If the destruction is by accident or at the hand of an unauthorized person not subject to the freight forwarder's control, then the list shall include a statement of the relevant circumstances.

§ 249.26 Freight forwarder going out of business.

The records and documents herein referred to may be destroyed after business is discontinued and the freight forwarder is completely liquidated. The records may not be destroyed until dissolution is final and all transactions are completed. When a freight forwarder is merged with another regulated company, the successor company shall preserve records and documents of the merged company in the manner and for the retention periods prescribed herein.

§ 249.27 Prescribed periods of retention.

The following is a list showing category of records and documents, the retention periods, and the microfilm indicators. The microfilm indicator is explained in § 249.23.

SCHEDULE OF RECORDS—Continued

[illegible]

SCHEDULE OF RECORDS—Continued

SCHEDULE OF RECORDS—Continued

Item number and category of records	Retention periods	Microfilm indicator (1 249.23)
D. PATROLS AND PERSONNEL—Continued		
1. Payroll records—Continued (a) Paid checks, receipts for wages paid in cash, and other evidence of payments for services rendered by employees.	3 years	M
2. Personnel records: (a) Applications for employment, qualification records, service records, reports and certificates of physical examinations, efficiency tests, and similar records.	1 year after termination of service	ME
(b) Contracts and agreements with employees or employee organizations or groups.	1 year after expiration or cancellation	ME
(c) Employees' welfare and pension records including records on employee's relief, health and insurance, savings, and workmen's compensation accident reports.	3 years	M-1
E. EQUIPMENT AND OTHER PROPERTY		
1. Records, reports, statements and supporting papers, pertaining to debts and credits to accounts showing the cost of every item of property or equipment. Included in supporting papers are: (a) 50 or work orders, material requisition slips, and similar records; (b) Records and memoranda pertaining to depreciation, retirement, and replacement of property.	3 years after sale or retirement	ME
2. Contracts and other agreements relating to the construction, acquisition, or sale of property and equipment, except as provided in item A-3(c).	do	ME
3. Records of materials and supplies on hand and detail papers of inventories taken.	3 years	M-2
4. Bids, offers, copies of orders and correspondence pertaining to the sale or purchase of materials and supplies, except as specified in item A-3(c).	do	M-1
5. Materials and supplies received and issued: (a) Records and reports of materials and supplies received and issued.	do	M-1
(b) Requisitions and receipts for materials and supplies issued, totals of which have been transcribed into other records for retention.	1 year	M
F. PURCHASES AND STOCKS		
1. Insurance records: (a) Retention, cards, or other records of insurance policies in force showing coverages, premiums paid, good experience credits and expiration dates.	3 years after policy expires	ME
(b) Records of self-insurance provisions and actual losses from damages to persons and property.	3 years	M-2
(c) Insurance policies.	2 years after expiration	ME
(d) Records of losses and recoveries from insurance companies and supporting papers.	3 years after settlement	ME
(e) Records and files of liability bonds of employees and others responsible for funds of the freight forwarding.	1 year after expiration of bonds	ME
2. Tax records: (a) Copies of schedules and returns to taxing authorities and supporting working papers, records of appeals, and copies of final determinations in form of closing decisions.	3 years after final settlement	ME
(b) Copies of schedules and returns to taxing authorities and supporting working papers in connection with taxes collected as agent.	3 years after settlement	ME
3. Claims records: (a) Claims registers, card or book indexes and other records in connection with the recording of overcharges, loss and damage, personal injury, fire, and other claims.	do	ME
(b) All papers substantiating overcharges, loss and damage, personal injury, fire, and other claims, whether such papers are filed separately or attached to vouchers. See item C-5(d).	do	ME
G. INSURANCE, TAXES AND CLAIMS—Continued		
1. Claims records—Continued (c) Records showing the details of authorities issued to agents, carriers, and others for participation in freight claims.	3 years after settlement	ME
(d) Reports, statements and other records pertaining to personal injuries, or damage to property in transit, when not necessary to support claims or vouchers.	do	ME
(e) Reports, statements, traces, and other records pertaining to undamaged, over, short, damaged, and refused freight, when not necessary to support claims or vouchers.	1 year	M
(f) Authorities for disposal of undamaged, damaged, and refused freight.	3 years	M-1
H. SHIPPING AND AGENT DOCUMENTS		
1. Shipping documents: Consignments' shipping orders, shipping tickets, pick-up receipts, delivery receipts, copies of bills of lading and order-outside bills of lading taken up and canceled, freight bills received from others, and other similar documents furnished to carriers for movement of freight; original local waybills and freight bills and audited copies thereof and company freight waybills, freight bills and cargo manifests; original underlying waybills, freight bills, and airway-bills received from carriers, copies of those made to carriers, and copies of those issued to shippers.	do	M-2
2. Contracts covering risks of freight forwarders in transportation and storage.	2 years after expiration	ME
3. Freight waybills and freight bills: Copies of waybills and freight bills furnished to joint traffic associations, bureaus, and similar agencies, if such copies contain no information other than that appearing on the original waybills and freight bills or in other records.	1 year	M
4. Freight records and reports: (a) Reports and records of freight received, forwarded, transferred, delivered to carriers, and records of requests, traces, and correspondence in connection therewith.	2 years	
(b) Records of joint-loaded shipments showing: (1) Identity of all participating forwarders. (2) Tonnage of the joint shipment. (3) Tonnage contributed by reporting forwarder.	do	
(c) Name of carrier transporting the shipment.		
(d) Amount of charges by the direct carrier as the total shipment, for transportation and other services.		
(e) Amount of such charges paid by reporting forwarder.		
5. Agents' remittance slips, bank deposit slips and all supporting papers not provided for elsewhere.	3 years	M-2
6. Agents' balance sheets and supporting papers.	do	M-3
7. Miscellaneous records pertaining to agents' accounts: (a) General office records or ledger of agents' accounts showing debits and credits from various sources.	do	M-4
(b) General office records relating to extension of credit for transportation and other charges.	2 years after discontinuance of credit agreement	ME
(c) Statements of corrections in agents' accounts.	3 years	M-2
8. Instructions to agents and representatives—bulletins and circulars of instructions to traffic agents and solidating personnel.	3 years after expiration or cancellation	ME
9. Information to the public—press releases, paid advertisements, pamphlets, brochures, circulars, and bulletins.	1 year	
10. Other agency records at stations or agencies not otherwise provided for herein.	3 years	M-2

SCHEDULE OF RECORDS—Continued

Item number and category of records	Retention periods	Microfilm indicator (1 249.23)
I. TARIFFS AND RATES		
1. Tariffs, classifications, division sheets, and circulars relative to the transportation of property in the general files of the department in which the complete official file is maintained.	3 years after expiration or cancellation.	ME.
2. Tariffs, classifications, division sheets, and circulars in other departments and at agencies, if copies of the same issues of such tariffs, etc., are preserved in the general files referred to in item 1 above.	Until expiration or cancellation.	
3. Special or reduced-rate orders and supporting papers, covering the movement of property.	3 years.	M-1.
4. Requests and receipts from agents and others for tariffs, classifications, division sheets, and circulars.	Optional.	
5. Copies of concurrences and powers of attorney filed with regulatory bodies.	2 years after expiration or cancellation.	ME.
6. Written requests on freight forwarders from persons and companies for quotations of rates and copies of freight forwarder's quotations.	Optional.	
7. Correspondence and working papers in connection with the making of rates and compilation of tariffs, classifications, division sheets, and circulars affecting the transportation of property.	3 years after cancellation or expiration of tariff.	ME.
J. REPORTS AND RELATED STATISTICS		
1. Annual reports to regulatory bodies, file copies of.	10 years.	M-6.
2. Quarterly and semi-annual reports to regulatory bodies, file copies of, and supporting papers.	3 years.	M.
3. Annual reports or statements to stockholders, file copies of.	Permanently.	M-6.
4. Accountants' and auditors' reports:		
(a) Certifications and reports of all examinations and audits conducted by public and certified public accountants.	3 years.	M-1.
(b) Reports of examinations and audits conducted by internal auditors and others.	do.	M-1.
5. Accident reports, file copies of and supporting papers.	do.	M-1.
6. All other financial operating and statistical statements or reports and supporting papers.	do.	M.
7. Tabulating cards, tapes, and other media used in the compilation of statistics and other data when the results are transcribed to other records covered by these regulations.	Until appropriate summaries have been made.	
K. MISCELLANEOUS		
1. Correspondence and records thereof pertaining to the items listed herein.	Same period prescribed for the items to which related.	As may be permitted for items to which related.
2. Duplicate copies of accounts, records, and memoranda listed in these regulations, if all information on such duplicates is contained on the originals or other copies retained, and if such duplicates are not specifically provided for in these regulations.	Optional.	
3. Written authorizations and certificates of destruction of accounts, records, and memoranda required by the regulations.	Permanently.	M-2.
4. Organization manuals, handbooks, circulars and other instructions issued to employees on matters pertaining to the business of the freight forwarder.	3 years after expiration or cancellation.	ME.

INDEX TO RECORDS

A—Administrative and corporate:

1. Incorporation and reorganization.
2. Titles, franchises and licenses.
3. Contracts and agreements.
4. Corporate elections.
5. Minutes of meetings.
6. Communications code and cipher books.

B—Treasury:

1. Capital stock records.
2. Bond or other long-term debt records.
3. Authorization from regulatory bodies for issuance of securities.
4. Registration statements filed with SEC.
5. Records of securities owned or held by custodians.
6. Statements of funds and deposits.

C—Financial accounting records:

1. Ledgers.
2. Journals.
3. General and subsidiary cash books.
4. Voucher distribution registers.
5. Vouchers.
6. Accounts receivables and payables.
7. Working or petty cash funds.
8. Uncollectible accounts.

D—Payrolls and personnel:

1. Payroll records.
2. Personnel records.

E—Equipment and other property:

1. Records, reports and statements showing cost or inventory value.
2. Records and memoranda pertaining to depreciation, retirements and replacements.
3. Contracts and agreements relating to construction, acquisition or sale.

F—Purchases and stores:

1. Records of materials and supplies inventory.
2. Bids, offers and orders pertaining to sale or purchase of materials and supplies.
3. Materials and supplies received and issued.

G—Insurance, taxes and claims:

1. Insurance records.
2. Tax records.
3. Claims records.

H—Shipping and agency documents:

1. Shipping documents.
2. Contracts covering risks in transportation and storage.
3. Copies of waybills and freight bills.
4. Freight records and reports.
5. Agents' remittance slips and bank deposit slips.
6. Agents' balance sheets.
7. Miscellaneous records pertaining to agents' accounts.

8. Instructions to agents and representatives.
9. Information to the public.
10. Other agency records.

I—Tariffs and rates:

1. Tariffs and classifications—originals.
2. Tariffs and classifications—duplicates.
3. Special or reduced-rate orders.
4. Requests and receipts for tariffs and classifications.
5. Concurrences and powers of attorney.
6. Written requests for quotations and copies of quotations.
7. Correspondence and working papers in connection with tariffs.

J—Reports and related statistics:

1. Annual reports to regulatory bodies.
2. Quarterly and semi-annual reports to regulatory bodies.
3. Annual reports or statements to stockholders.
4. Accountants' and auditors' reports.
5. Accident reports.
6. Other financial and statistical statements.
7. Tabulating cards, tapes and other media.

K—Miscellaneous:

1. Correspondence relating to records.
2. Duplicate copies of records.
3. Authorizations and certificates for destruction of records.
4. Organization manuals.

§ 249.28 Waivers of requirements of this subpart.

A waiver from any provision of this subpart may be made by the Board upon its own initiative or upon submission of a written request therefor by any freight forwarder. Each request for waiver shall demonstrate that unusual circumstances warrant a departure from prescribed retention periods, procedures or techniques or that compliance with such prescribed requirements would impose an unreasonable burden upon the freight forwarder, and that the granting of the waiver would be in the public interest.

§ 249.29 Effective date.

This subpart shall become effective on September 1, 1965. The retention requirements prescribed in this subpart shall be applicable to all records remaining in the custody of any freight forwarder, subject to its provisions, upon the effective date of this subpart as well as to all records subsequently acquired. With respect to individual records, each retention period herein prescribed shall commence upon the date when the records are created or otherwise come into the possession of the freight forwarder.

(Sec. 204(a), Federal Aviation Act of 1958, 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply sec. 407, 72 Stat. 766; 49 U.S.C. 1377)

NOTE: The record-retention requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.

[SEAL]

MABEL McCART,
Acting Secretary.

[P.R. Doc. 65-8094; Filed, July 30, 1965; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Treasury Department

Section 213.3105 is amended to show the exception under Schedule A of the position of Confidential Assistant to the Commissioner of Customs. Effective on publication in the FEDERAL REGISTER, subparagraph (7) is added to paragraph (b) of § 213.3105 as set out below.

§ 213.3105 Treasury Department.

(b) Bureau of Customs.

(7) One position of Confidential Assistant to the Commissioner of Customs.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,
Executive Assistant to
the Commissioners.

[F.R. Doc. 65-8095; Filed, July 30, 1965;
8:47 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER D—FREIGHT FORWARDERS

[No. 34558]

PART 450—PRESERVATION OF RECORDS OF FREIGHT FORWARDERS

At a session of the Interstate Commerce Commission, Division 2, held at its Office in Washington, D.C., on the 15th day of July A.D. 1965.

The Commission, having under consideration a notice of proposed rule making published in the FEDERAL REGISTER on March 3, 1965 (30 F.R. 2719), which proposed a comprehensive modification of the regulations governing the preservation of records of freight forwarders, in order to (1) update the existing rules in the light of present-day conditions, and (2) to standardize the general instructions and record-retention requirements applicable to forwarders with similar requirements to be prescribed by the Civil Aeronautics Board, and due consideration having been given to response pursuant to such notice,

It is ordered, That the present title of Part 450 of Title 49 of the Code of Federal Regulations and the effective regulations thereunder be, and they are hereby, deleted.

It is further ordered, That Part 450 be, and it is hereby, entitled Regulations to Govern the Preservation of Records of Freight Forwarders; that the regulations attached hereto and by this reference made a part hereof be, and they are hereby, added under Part 450; and,

It is further ordered, That this order shall become effective September 1,

1965, on and after which date all freight forwarders subject to its provisions shall comply therewith; and,

It is further ordered, That this order be served on each freight forwarder and every trustee, receiver, executor, administrator, or assignee of such freight forwarder, and that notice be given the general public by depositing a copy in the Office of the Secretary of the Commission in Washington, D.C., and by filing the order with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL]

H. NEIL GARSON,
Secretary.

Sec.

- 450.1 Introduction.
- 450.2 Authority to destroy records.
- 450.3 Photographic copies.
- 450.4 Supervision of destruction.
- 450.5 List of records destroyed.
- 450.6 Freight forwarder going out of business.
- 450.7 Waivers of requirements of these regulations.
- 450.8 Prescribed periods of retention.

AUTHORITY: The provisions of this Part 450 issued under sec. 403, 56 Stat. 285, as amended; 49 U.S.C. 1003. Interpret or apply sec. 412, 56 Stat. 294, as amended; 49 U.S.C. 1012.

§ 450.1 Introduction.

The following regulations specify the records and documents which may be destroyed and prescribe the length of time the same shall be preserved, but mention of a record or document hereinafter imposes no requirement that such record shall be installed if its purpose is otherwise being adequately served. Nothing contained in the regulations of this part shall be construed to excuse noncompliance with requirements of any other governmental body, Federal or State, prescribing longer retention periods for any category of records.

§ 450.2 Authority to destroy records.

Freight forwarders subject to the regulations of this part may destroy records or documents named or described in these regulations after they have been preserved for the periods of time herein prescribed.

§ 450.3 Photographic copies.

(a) All records and documents must be preserved in their original form for the periods specified in the "Schedule of Records" unless the records and documents are suitably photographed and the microfilm is retained in lieu of the original record for the required retention period, subject to the limitations indicated below. A "Microfilm Indicator" has been added to the "Schedule of Records" to show when microfilms may be substituted for retention of the original record. In the absence of an indicator, microfilms may not be substituted for the original records unless a waiver is granted pursuant to § 450.7.

(b) An explanation of the symbols used as the microfilm indicators follows:

"M" (for Microfilm) indicates that microfilms may be substituted for retention of the original records at any time.

"M-1", "M-2", etc., indicates that microfilms may be substituted for retention of the original records only after the original records have been retained in their original form

for the number of years corresponding to the numeral.

"ME" (for Microfilm and for Expiration) indicates that microfilms may be substituted for retention of the original records only for the period subsequent to the expiration, cancellation, superseding, or other condition shown in the column for "Retention periods" in the "Schedule of Records." Thus, for item A-3(b) microfilms are not acceptable as a substitute for the contracts until they have expired or have been cancelled. At that time microfilms may be substituted for the original contracts for the required 3 years after the expiration or cancellation.

(c) To be acceptable in lieu of original records, photographic copies of records must meet the following minimum requirements:

(1) Photographic copies shall be no less readily accessible than the original record or document as normally filed or preserved would be, and suitable means or facilities shall be available to locate, identify, read or reproduce such photographic copies.

(2) Any significant characteristic, feature, or other attribute of the original record or document, which photography in black and white will not preserve, shall be clearly indicated before the photograph is made.

(3) The reverse side of printed forms need not be copied if nothing has been added to the printed matter common to all such forms, but an identified specimen of such form shall be on the film for reference.

(4) Film used for photographing copies shall be of permanent record type meeting in all respects the minimum specifications of the National Bureau of Standards, and all processes recommended by the manufacturer shall be observed to protect it from deterioration or accidental destruction.

(5) Each roll of film shall include a microfilm of a certificate or certificates stating that the photographs are direct and facsimile reproductions of the original records and that they have been made in accordance with prescribed instructions. Such certificate or certificates shall be executed by a person or persons having personal knowledge of the facts covered thereby.

§ 450.4 Supervision of destruction.

(a) Immediately upon the effective date of these regulations, each freight forwarder subject thereto shall appoint an officer or other supervisory employee to be responsible for the destruction of records and documents. Such appointment shall be by formal corporate act of the board of directors or its executive committee. Designation may be made by title only, rather than by name and title, and thus obviate the necessity for a new resolution or order each time a successor is appointed. An existing appointment in conformity with the procedure indicated herein which was made under prior regulations shall be recognized as being in compliance with the regulations of this part.

(b) If the property of a freight forwarder subject to these regulations is in the hands of a trustee, executor, administrator, or assignee, the officer or other employee to have responsibility for the destruction of records and documents shall be designated by such trustee, executor, administrator, or assignee.

SCHEDULE OF RECORDS

(c) It is not required that a copy of the resolution or order of appointment be filed with the Commission.

§ 450.5 List of records destroyed.

(a) The officer or responsible employee shall maintain a comprehensive list describing all records and document which have been destroyed pursuant to the regulations of this part. The list so maintained shall include all records and documents destroyed, including microfilms destroyed. This list shall include form numbers and descriptive titles (or descriptions) of the records destroyed and the periods covered.

(b) The list so maintained shall be available for inspection in the office of the responsible officer or employee and shall be in such detail that the destroyed records or documents may be identified and the time, place, and method of destruction can be established. If the destruction is by accident or at the hand of an unauthorized person not subject to the freight forwarder's control, then the list shall include a statement of the relevant circumstances.

§ 450.6 Freight forwarder going out of business.

The records and documents herein referred to may be destroyed after business is discontinued and the freight forwarder is completely liquidated. The records may not be destroyed until dissolution is final and all transactions are completed. When a freight forwarder is merged with another regulated company, the successor company shall preserve records and documents of the merged company in the manner and for the retention periods prescribed herein.

§ 450.7 Waivers of requirements of these regulations.

A waiver from any provision of these regulations may be made by the Commission upon its own initiative or upon submission of a written request therefor by any freight forwarder. Each request for waiver shall demonstrate that unusual circumstances warrant a departure from prescribed retention periods, procedures, or techniques or that compliance with such prescribed requirements would impose an unreasonable burden upon the freight forwarder, and that the granting of the waiver would be in the public interest.

§ 450.8 Prescribed periods of retention.

The following is a list showing category of records and documents, the retention periods, and the microfilm indicators. The microfilm indicator is explained in § 450.3.

Item number and category of records	Retention periods	Microfilm indicator (§ 450.3)
A. ADMINISTRATIVE AND CORPORATE		
1. Incorporation and reorganization:		
(a) Charter or certificate of incorporation and amendments thereto.	Permanently.....	
(b) Legal documents in connection with mergers, consolidations, reorganization, receiverships and similar actions which affect the identity or organization of the company.	do.....	M-6.
2. Titles, franchises, and licenses:		
(a) Certificates of public convenience and necessity issued by regulating bodies.	Until expiration or cancellation.....	
(b) Copies of formal orders of regulatory bodies served upon the freight forwarder.	1 year after expiration or cancellation.....	ME.
(c) Operating authorizations and exemptions to operate issued by regulating bodies.	Until expiration or cancellation.....	
(d) Deeds and other title papers.	3 years after disposition of property.....	ME.
3. Contracts and agreements (see also other pertinent categories):		
(a) Service contracts, such as for operational management, accounting, financial or legal service, or for rental or lease of property or equipment, or records of such contracts, leases or agreements.	3 years after expiration or cancellation.....	ME.
(b) Contracts with other carriers for interchange or joint use of property.	do.....	ME.
(c) Complete files and related papers of contracts entered into by competitive bidding under the provisions of Section 10 of the Clayton Antitrust Act.	Shall not be broken up or destroyed without specific written authority.	
4. Corporate elections:		
(a) Proxies of holders of voting securities.	3 years.....	M-2.
(b) Lists of holders of voting securities represented at meetings.	do.....	M-2.
(c) Ballots cast and tabulations of votes.	do.....	M-2.
(d) Judges' reports of election results.	do.....	M-2.
5. Minutes of meetings of stockholders, directors, executive or other directors' committees, or other meetings.	Permanently.....	M-6.
6. Communications code and cipher books.	Until 2 years after change.....	ME.
B. TREASURY		
1. Capital stock records:		
(a) Detailed capital stock journals, ledgers or their equivalents.	Permanently.....	M-3.
(b) Capital stock certificates, stubs or similar records of.	do.....	M-3.
NOTE: If the information shown on the stubs is recorded in permanent records, the stubs are required to be retained only for a period of 3 years.		
(c) Subscription notices and requests for allotment.	3 years.....	M.
(d) Stock transfer registers.	Permanently.....	M-3.
(e) Papers pertaining to or supporting transfers of capital stock.	3 years.....	M.
(f) Cancelled capital stock certificates.	do.....	M.
2. Bond or other long-term debt records:		
(a) Bond indentures, underwriting, mortgage, and other long-term credit agreements.	Permanently.....	M-6.
(b) Bond or other long-term debt detailed journals, vouchers and ledgers or their equivalents.	3 years after redemption.....	ME.
(c) Stubs or similar records of bonds or other long-term debt issued.	Permanently.....	M-3.
NOTE: If the information shown on the stubs is recorded in permanent records, the stubs are required to be retained only for a period of three years.		
(d) Subscription notices and requests for allotment.	3 years.....	M.
(e) Records of interest paid and unpaid.	do.....	M.
(f) Papers pertaining to or supporting transfer of bonds.	do.....	M.
(g) Cancelled bonds, mortgages, notes or other long-term debt, and interest coupons.	do.....	M.
3. Authorization from regulatory bodies for issuance of securities including applications, reports and supporting papers.	1 year after expiration.....	ME.
4. Copies of registration statements and other data filed with the Securities and Exchange Commission and supporting papers in connection with offerings of securities for sale to the public or the listing of securities on exchange.	6 years.....	M-3.
5. Records of securities owned or held by custodians, detailed ledgers and journals, or their equivalents.	3 years after the related securities are sold, redeemed or otherwise disposed of.	ME.
6. Statements of funds and deposits:		
(a) Statements from depositories on funds received, disbursed and transferred.	3 years.....	M.
(b) Authorization for transfer of funds from one depository to another.	1 year after expiration.....	ME.
(c) Periodical statements of the receipt and disbursement of funds.	1 year.....	M.
(d) Bank deposit books, stubs, ledgers, or records of checks, and copies of deposit slips.	3 years.....	
(e) Bank reconciliations; checks cancelled by banks; checks, drafts, etc., issued and not presented.	do.....	M-2.

SCHEDULE OF RECORDS—Continued

Item number and category of records	Retention periods	Microfilm indicator (§ 430.3)
B. TREASURY—continued		
6. Statements of funds and deposits—Continued		
(a) Records pertaining to verification of treasury cash or securities.	3 years for records of cash. 2 years after disposition of securities.	M. ME.
C. FINANCIAL ACCOUNTING RECORDS		
1. I ledgers:		
(a) General and subsidiary ledgers and indexes thereto.	Permanently.	M-10.
(b) Balance sheets and trial balance sheets of general and subsidiary ledgers.	3 years.	M-3.
2. Journals (except as otherwise provided herein):		
(a) General journals.	Permanently.	M-4.
(b) Subsidiary journals and say supporting papers necessary to explain journal entries.	30 years.	M-4.
(c) Schedules of recurring or standard journal entries and entry numbers.	Until superseded.	
3. General and subsidiary cash books, except cash books at agencies provided for under item H-4.	Permanently.	M-4.
4. Voucher distribution registers or their equivalent.	30 years.	M-4.
5. Vouchers:		
(a) Voucher indexes.	3 years.	M.
(b) Vouchers, expenditure authorizations, detailed distribution sheets and other supporting papers, including original bills and invoices, except as otherwise provided herein.	6 years.	M-2.
(c) Receipts for cash paid out.	3 years.	M-2.
(d) Reports of drafts issued by claim agents, terminal and station agents, and others.	1 year.	
6. Accounts receivables and payables:		
(a) Traffic accounts receivable or payable, detailed journals and ledgers or their equivalents, with supporting papers.	4 years.	M-3.
(b) General accounts receivable or payable, detailed journals and ledgers or their equivalents, together with supporting papers.	do.	M-3.
(c) Bills issued for collection and supporting papers.	2 years after settlement.	ME.
7. Statements of receipts, disbursements, and balances of working or petty cash funds in hands of employee-custodian and supporting papers.	3 years.	M.
8. Uncollectible accounts:		
(a) Reports and statements showing age and status of accounts receivable.	1 year.	M.
(b) Authorizations for writing off accounts receivable.	do.	M.
D. PAYROLLS AND PERSONNEL		
1. Payroll records:		
(a) Payroll sheets, registers, or their equivalents, of salaries and wages paid to individual officers and employees.	3 years. See § 430.1.	M-2.
(b) Records showing the distribution to accounts and jobs of the salaries and wages paid to officers and employees for each periodic payroll and summaries or recapitulation statements of such distribution.	3 years.	M-2.
(c) Original source documents used in the preparation of payrolls such as time and attendance cards or job and cost distribution cards.	do.	M.
(d) Payroll authorizations, removals and adjustment notices.	1 year.	
(e) Paid checks, receipts for wages paid in cash, and other evidence of payments for services rendered by employees.	3 years.	M.
2. Personnel records:		
(a) Applications for employment, qualification records, service records, reports and certificates of physical examinations, efficiency tests, and similar records.	1 year after termination of service.	ME.
(b) Contracts and agreements with employees or employee organizations or groups.	1 year after expiration or cancellation.	ME.
(c) Employees' welfare and pension records including records on employee relief, health and insurance, savings, and workmen's compensation accident reports.	3 years.	M-1.

SCHEDULE OF RECORDS—Continued

Item number and category of records	Retention periods	Microfilm indicator (§ 430.3)
E. EQUIPMENT AND OTHER PROPERTY		
1. Records, reports, statements and supporting papers, pertaining to debits and credits to accounts showing the cost or inventory value of property or equipment. Included in supporting papers would be job or work order, maps, profiles, specifications, estimates, engineering studies, construction bids, and similar records.	3 years after sale or retirement.	ME.
2. Records and memoranda pertaining to depreciation, retirements, and replacements of property.	do.	ME.
3. Contracts and other agreements relating to the construction, acquisition, or sale of property and equipment, except as provided in item A-3(c).	do.	ME.
F. PURCHASES AND STORES		
1. Records of materials and supplies on hand and detail papers of inventories taken.	3 years.	M-2.
2. Bills, orders, copies of orders and correspondence pertaining to the sale or purchase of materials and supplies, except as specified in item A-3(c).	do.	M-1.
3. Materials and supplies received and issued:		
(a) Bills and reports of materials and supplies received and issued.	do.	M-1.
(b) Requisitions and receipts for materials and supplies issued, details of which have been transcribed into other records for retention.	1 year.	M.
G. INSURANCE, TAXES AND CLAIMS		
1. Insurance records:		
(a) Registers, cards, or other records of insurance policies in force showing coverage, premiums paid, good experience credits and expiration dates.	3 years after policy expires.	ME.
(b) Records of self-insurance provisions and actual losses from damages to persons and property.	3 years.	M-2.
(c) Insurance policies.	2 years after expiration.	ME.
(d) Records of losses and recoveries from insurance companies and supporting papers.	3 years after settlement.	ME.
(e) Records and files of fidelity bonds of employees and others responsible for funds of the freight forwarding.	1 year after expiration of bonds.	ME.
2. Tax records:		
(a) Copies of schedules and returns to taxing authorities and supporting working papers, records of appeals, and copies of final determination in form of closing agreements.	3 years after final settlement.	ME.
(b) Copies of schedules and returns to taxing authorities and supporting working papers in connection with taxes collected as agent.	3 years after settlement.	ME.
3. Claims records:		
(a) Claims registers, card or book indexes and other records in connection with the recording of overcharges, loss and damage, personal injury, fire, and other claims.	do.	ME.
(b) All papers substantiating overcharges, loss and damage, personal injury, fire, and other claims, whether such papers are filed separately or attached to vouchers. See item C-5(b).	do.	ME.
(c) Records showing the details of authorities issued to agents, carriers, and others for participation in freight claims.	do.	ME.
(d) Reports, statements and other records pertaining to personal injuries, or damage to property in transit, when not necessary to support claim or vouchers.	do.	ME.
(e) Reports, statements, traces, and other records pertaining to unclaimed, over, short, damaged, and refused freight, when not necessary to support claims or vouchers.	1 year.	M.
(f) Authorities for disposal of unclaimed, damaged, and refused freight.	3 years.	M-1.

SCHEDULE OF RECORDS—Continued

Item number and category of records	Retention periods	Microfilm indicator (140.3)
1. TARIFFS AND RATES—continued		
7. Correspondence and working papers in connection with the making of rates and compilation of tariffs, classifications, division sheets, and circulars affecting the transportation of property.	3 years after cancellation or expiration of tariff.	ME.
2. REPORTS AND RELATED STATISTICS		
1. Annual reports to regulatory bodies, file copies of.	10 years.	M-4.
2. Quarterly and semi-annual reports to regulatory bodies, file copies of, and supporting papers.	3 years.	M.
3. Annual reports or statements to stockholders, file copies of.	Permanently.	M-4.
4. Accountants' and auditors' reports:		
(a) Certifications and reports of all examinations and audits conducted by public and certified public accountants.	3 years.	M-1.
(b) Reports of examinations and audits conducted by internal auditors and others.	do.	M-1.
5. Assistant reports, file copies of, and supporting papers.	do.	M-1.
6. All other financial, operating and statistical statements or reports and supporting papers.	do.	M.
7. Tabulating cards, tapes, and other media used in the compilation of statistics and other data when the results are transcribed to other records covered by these regulations.	Until appropriate summaries have been made.	
3. MISCELLANEOUS		
1. Correspondence and records thereof pertaining to the items listed herein.	Same period prescribed for the items to which related.	As may be permitted for items to which related.
2. Duplicate copies of accounts, records, and memoranda listed in these regulations, if all information on such duplicates is contained on the originals or other copies retained, and if such duplicates are not specifically provided for in these regulations.	Optional.	
3. Written authorizations and certificates of destruction of accounts, records, and memoranda required by the regulations.	Permanently.	M-2.
4. Organizational manuals, handbooks, circulars and other instructions issued to employees on matters pertaining to the business of the freight forwarder.	3 years after expiration or cancellation.	ME.

C—Financial accounting records:

1. Ledgers.

2. Journals.

3. General and subsidiary cash books.

4. Voucher distribution registers.

5. Vouchers.

6. Accounts receivables and payables.

7. Working or petty cash funds.

8. Uncollectible accounts.

D—Payrolls and personnel:

1. Payroll records.

2. Personnel records.

E—Equipment and other property:

1. Records, reports and statements showing cost or inventory value.

2. Records and memoranda pertaining to depreciation, retirements and replacements.

3. Contracts and agreements relating to construction, acquisition or sale.

INDEX TO RECORDS

A—Administrative and corporate:

1. Incorporation and reorganization.

2. Titles, franchises and licenses.

3. Contracts and agreements.

4. Corporate elections.

5. Minutes of meetings.

6. Communications code and cipher books.

B—Treasury:

1. Capital stock records.

2. Bond or other long-term debt records.

3. Authorization from regulatory bodies for issuance of securities.

4. Registration statements filed with SEC.

5. Records of securities owned or held by custodians.

6. Statements of funds and deposits.

SCHEDULE OF RECORDS—Continued

Item number and category of records	Retention periods	Microfilm indicator (140.3)
1. SHIPPING AND AGENT DOCUMENTS		
1. Shipping documents: Consignee's shipping orders, shipping tickets, pick-up receipts, delivery receipts, copies of bills of lading and order-utility bills of lading taken up and cancelled, freight bills received from others, and other similar documents furnished to carriers for movement of freight; original local waybills and freight bills and audited copies thereof and company freight waybills, freight bills and cargo manifests; original undelivered waybills, freight bills, and airway bills received from carriers; copies of those made to carriers, and copies of those issued to shippers.	do.	M-2.
2. Contracts covering risks of freight forwarders in transportation and storage.	2 years after expiration.	ME.
3. Freight waybills and freight bills: Copies of waybills and freight bills furnished to joint trade associations, brokers, and other agencies; if such copies contain no information other than that appearing on the original waybills and freight bills or in other records.	1 year.	M.
4. Freight receipts and reports:		
(a) Reports and receipts of freight received, forwarded, transferred, delivered to carriers, and records of diversion or recommitment of freight including requests, transfers, and correspondence in connection therewith.	3 years.	
(b) Records of joint-loaded shipments showing:	do.	
(1) Identity of all participating forwarders.	do.	
(2) Total percentages of the joint shipment.	do.	
(3) Portage contributed by reporting forwarder.	do.	
(4) Name of carrier transporting the shipment.	do.	
(5) Amount of charges by the direct carrier on the total shipment, for transportation and other services.	do.	
(6) Amount of such charges paid by reporting forwarder.	do.	
5. Agents' remittance slips, bank deposit slips and all supporting papers not provided for elsewhere.	3 years.	M-2.
6. Agents' balance sheets and supporting papers.	do.	M-4.
7. Miscellaneous records pertaining to agents' accounts:		
(a) General office records or ledgers of agents' accounts showing debits and credits from various sources for transportation and other charges.	do.	M-2.
(b) General office records relating to extension of credit for transportation and other charges.	do.	ME.
(c) Statements of corrections in agents' accounts.	3 years.	M-2.
(d) Instructions to agents and representatives—collectors and circulars of instructions to traffic agents and collecting personnel.	3 years after expiration or cancellation.	ME.
8. Information to the public—press releases, paid advertisements, pamphlets, booklets, circulars, and bulletins.	1 year.	
9. Other agency records at stations or agencies not otherwise provided for herein.	3 years.	
2. TARIFFS AND RATES		
1. Tariffs, classifications, division sheets, and circulars relative to the transportation of property in the general files of the department in which the complete official file is maintained.	3 years after expiration or cancellation.	ME.
2. Tariffs, classifications, division sheets, and circulars in other departments and at agencies, if copies of the same issues of such tariffs, etc., are preserved in the general files referred to in item 1 above.	Until expiration or cancellation.	
3. Special or reduced-rate orders and supporting papers, covering the movement of property.	3 years.	M-1.
4. Requests and receipts from agents and others for tariffs, classifications, division sheets, and circulars.	Optional.	
5. Copies of correspondence and powers of attorney filed with regulatory bodies.	Optional.	
6. Written requests on freight forwarders from persons and companies for quotations of rates and copies of freight forwarder's quotations.	2 years after expiration or cancellation.	ME.

F—Purchases and stores:

1. Records of materials and supplies inventory.
2. Bids, offers and orders pertaining to sale or purchase of materials and supplies.
3. Materials and supplies received and issued.

G—Insurance, taxes and claims:

1. Insurance records.
2. Tax records.
3. Claims records.

H—Shipping and agency documents:

1. Shipping documents.
2. Contracts covering risks in transportation and storage.
3. Copies of waybills and freight bills.
4. Freight records and reports.
5. Agents' remittance slips and bank deposit slips.
6. Agents' balance sheets.
7. Miscellaneous records pertaining to agents' accounts.
8. Instructions to agents and representatives.
9. Information to the public.
10. Other agency records.

I—Tariffs and rates:

1. Tariffs and classifications—originals.
2. Tariffs and classifications—duplicates.
3. Special or reduced-rate orders.
4. Requests and receipts for tariffs and classifications.
5. Concurrences and powers of attorney.
6. Written requests for quotations and copies of quotations.
7. Correspondence and working papers in connection with tariffs.

J—Reports and related statistics:

1. Annual reports to regulatory bodies.
2. Quarterly and semi-annual reports to regulatory bodies.
3. Annual reports or statements to stockholders.
4. Accountants' and auditors' reports.
5. Accident reports.
6. Other financial and statistical statements.
7. Tabulating cards, tapes and other media.

K—Miscellaneous:

1. Correspondence relating to records.
2. Duplicate copies of records.
3. Authorizations and certificates for destruction of records.
4. Organization manuals.

[F.R. Doc. 65-8103; Filed, July 30, 1965; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

MISCELLANEOUS AMENDMENTS

This amendment includes provisions which cover the applicability to Government contracts and subcontracts of P.L. 86-695 which deals with the matter of subcontractor gifts and kickbacks; references in solicitations for bids regarding false statements, small business and labor surplus area set-asides, certain license agreements under the Atomic Energy Act of 1954, as amended; the availability of an optional form (label for sealed bids); and the policy applicable to contracts between the Government and its employees. The amendment also provides guidance regarding the appli-

cability of the "Certificate of Independent Price Determination"; prescribes revised small business policies and procedures which reflect SBA regulations regarding size standards, product classifications, protests, and appeals; provides for publication in the Commerce Business Daily of the names of concerns invited to submit proposals for the purpose of identifying subcontractor opportunities; expands the procedures for processing certificates of competency to provide for withdrawals of negative findings and referrals to higher authority in certain cases, and documentation of cases where small business is not responsible for reasons other than capacity and credit (lack of tenacity); provides for notices to certain unsuccessful bidders; indicates more clearly the areas where the use of available negotiated overhead rates is not required; and effects a number of editorial corrections and changes.

PART 1-1—GENERAL

Subpart 1-1.3—General Policies

1. Section 1-1.302 is amended to add a new § 1-1.302-3 which prescribes the policy to be followed regarding contracts with Government employees and business concerns substantially owned or controlled by Government employees.

§ 1-1.302 Procurement sources.

§ 1-1.302-3 Contracts between the Government and Government employees or business concerns substantially owned or controlled by Government employees.

(a) Contracts shall not knowingly be entered into between the Government and employees of the Government or business concerns or organizations which are substantially owned or controlled by Government employees, except for the most compelling reasons, such as cases where the needs of the Government cannot reasonably be otherwise supplied.

(b) When a contracting officer has reason to believe that an exception as described in paragraph (a) of this section, should be made, approval of the decision to make such an exception shall be handled in accordance with agency procedures and shall be obtained prior to entering into any such contract.

2. Section 1-1.317 is amended to redesignate the present paragraphs (b) and (c) as paragraphs (e) and (f) and to prescribe explanatory text in new paragraphs (b), (c), and (d).

§ 1-1.317 Noncollusive bids and proposals.

(b) The fact that a firm (1) has published price lists, rates, or tariffs covering items being procured by the Government, (2) has informed prospective customers of proposed or pending publication of new or revised price lists for such items, or (3) has sold the same items to commercial customers at the same prices being offered the Government does not constitute, without more, a disclosure

within the meaning of paragraph (a) (2) of the Certificate.

(c) It is not required that a separate written authorization be given to the signer of the bid or proposal for each procurement involved where the signer makes the certification provided in paragraph (b) (2) of the Certificate: *Provided*, That with respect to any blanket authorization given, (1) the procurement to which the Certificate applies is clearly within the scope of such authorization, and (2) the person giving such authorization is the person responsible within the bidder's or offeror's organization for the decision as to the prices being bid or offered at the time the Certificate is made in a particular procurement.

(d) After the execution of an initial certificate and the award of a contract in connection therewith, the contractor need not submit additional certificates in connection with proposals submitted on "work orders" or similar ordering instruments issued pursuant to the terms of that contract, where the Government's requirements cannot be met from another source.

(e) The authority to make the determination described in paragraph (d) of the above certification shall not be delegated to an official below the level of the head of a procuring activity of the agency.

(f) Where a certification is suspected of being false or there is indication of collusion, the matter shall be processed in accordance with Subpart 1-1.9 and appropriate agency procedures. For rejection of bids which are suspected of being collusive and for the negotiation of procurements subsequent to such rejection, see §§ 1-2.404-1(b)(6) and 1-3.214.

3. Section 1-1.320 is added as follows:

§ 1-1.320 Subcontractor gifts and kickbacks.

Public Law 86-695, September 2, 1960 (41 U.S.C. 51-54), prohibits the payment, directly or indirectly, by or on behalf of a subcontractor in any tier under any Government negotiated contract of any fee, commission, compensation, gift, or gratuity to the prime contractor or any higher tier subcontractor or to any officer, partner, employee, or agent of the prime contractor, of any higher tier subcontractor, as an inducement or acknowledgment for the award of a subcontract or order. The Act further provides that the amount of any such fee, commission, or compensation, or the cost or expense of any such gratuity or gift, whether heretofore or hereafter paid by the subcontractor, shall not be charged, either directly or indirectly, as a part of the contract price charged by the subcontractor to the prime contractor or higher tier subcontractor. It also creates a conclusive presumption that the cost of any such prohibited payment has been included in the price of the subcontract or order and ultimately borne by the Government. The Act provides for the recovery on behalf of the United States of any such payment from either the subcontractor or recipient, by court action, or by setoff of moneys otherwise owing to the subcontractor either by the United States

directly or by the prime contractor. The Act imposes criminal penalties on any person who knowingly makes or receives, directly or indirectly, any such prohibited payment.

Subpart 1-1.7—Small Business Concerns

1. Section 1-1.701-1 is amended to include the definition of a small business concern with respect to engineering services or naval architectural services and motion picture or motion picture services in paragraph (f). The section also has been amended to bring paragraph (d)(3) in line with the Small Business Administration's definition of a small business nonmanufacturer in the thread industry. In addition, in paragraph (h), a small business size standard is added for Census Classification Code 2295, and a footnote is added regarding the shipbuilding and repairing industry.

§ 1-1.701-1 Small business concern (for Government procurement).

(d) *Small business nonmanufacturer.* Any concern which submits a bid or offer in its own name, other than for a construction or service contract, but which proposes to furnish a product not manufactured by itself, is deemed to be a small business concern when:

(1) It is a small business concern within the meaning of § 1-1.701-1(a);

(2) Its number of employees does not exceed 500 persons; and

(3) In the case of Government procurement reserved for or involving the preferential treatment of small business concerns (including equal low bids), such nonmanufacturer shall furnish in the performance of the contract the products of a small business manufacturer or producer which products are manufactured or produced in the United States, its possessions, or Puerto Rico. However, if the goods to be furnished are woolen, worsted, knitwear, duck, and webbing, dealers and converters shall furnish such products which have been manufactured or produced by a small weaver (small knitter for knitwear) and, if finishing is required, by a small finisher. If the procurement is for thread, dealers and converters shall furnish such products which have been finished by a small finisher. (Finishing of thread is defined as all "dyeing, bleaching, glazing, mildew proofing, coating, waxing, and other applications required by the pertinent specification, but excluding mercerizing, spinning, throwing, or twisting operations.")

("Nonmanufacturer" means any concern which in connection with a specific Government procurement contract, other than a construction or service contract, does not manufacture or produce the products required to be furnished by such procurement. Nonmanufacturer includes a concern which can manufacture or produce the products referred to in the specific procurement but does not do so in connection with that procurement.)

(f) *Services.* Any concern bidding on a contract for services is classified:

(1) As small if it is bidding on a contract for services not otherwise defined in this § 1-1.701-1 and its average annual sales or receipts for its preceding three fiscal years do not exceed \$1,000,000 (\$1,250,000 if the concern is located in Alaska).

(2) As small if it is bidding on a contract for engineering services or naval architectural services and its average annual sales or receipts for the preceding three fiscal years do not exceed \$5,000,000 (\$6,250,000 if the concern is located in Alaska).

(3) As small if it is bidding on a contract for motion picture production or motion picture services and its average annual sales or receipts for its preceding three fiscal years do not exceed \$5,000,000 (\$6,250,000 if the concern is located in Alaska).

(h) *Table of specific industry employment size standards for the purpose of Government procurement.* (See footnotes at end of table.)

MANUFACTURING		
Census classification code	Industry	Employment size standard (number of employees)
MAJOR GROUP 22—TEXTILE MILL PRODUCTS		
2295	Artificial leather, oilcloth, and other impregnated and coated fabrics, except rubberized	1,000
MAJOR GROUP 37—TRANSPORTATION EQUIPMENT		
3731	Shipbuilding and repairing*	1,000

* Shipbuilding and repairing industry includes establishments primarily engaged in building and repairing all types of ships, barges, canal boats, and lighters, of 5 gross tons and over, whether propelled by sail or motor power or towed by other craft. Establishments primarily engaged in fabrication or repairing structural assemblies or components for ships, or subcontractors engaged in ship painting, joinery, carpentry work, electrical wiring installation, etc., are not included. The size standard for boatbuilding and repairing (establishments primarily engaged in building and repairing all types of boats, except rubber boats, under 5 gross tons) is 500.

2. Section 1-1.703 is amended to specify the controlling point in time for determining size status, to reflect the SBA procedures regarding protests and appeals with respect to a bidder's status and to provide for determinations of and appeals from product classifications. As amended, the section reads as follows:

§ 1-1.703 Determination of status as a small business concern.

§ 1-1.703-1 Representation by bidder or offeror.

(a) Except as provided in paragraph (b) of this § 1-1.703-1, the contracting officer shall accept as conclusive for the purpose of a specific procurement a representation by the bidder or offeror that it is a small business concern as defined by SBA.

(b) A representation by a bidder or offeror that it is a small business concern

shall be effective, even though questions in accordance with the terms of § 1-1.703-2, unless the SBA, in response to such question and pursuant to the procedures in § 1-1.703-2, determines that the bidder or offeror in question is not a small business concern. The controlling point in time for a determination concerning the size status of a questioned bidder or offeror shall be the date of award, except that no bidder or offeror shall be eligible for award as a small business concern unless it has in good faith represented itself as small business prior to the opening of bids or closing date for submission of offers (see § 1-2.405(b) regarding minor informalities and irregularities in bids).

§ 1-1.703-2 Protest regarding small business status.

(a) Any bidder or offeror may challenge the small business status of any other bidder or offeror on the same procurement by sending a written protest, as defined in paragraph (b) of this § 1-1.703-2, to the contracting officer responsible for the particular procurement. Any contracting officer who receives a timely protest, or who wishes to question the small business status of a bidder or offeror himself, shall forward such protest record (or submit his protest) to the SBA regional office serving the area in which the protested concern is located.

(b) As used in this section, "protest" means a challenge in writing from any bidder or offeror as to the small business status of any other bidder or offeror on the same procurement. The protest shall contain the basis for the protest, together with specific detailed evidence supporting the protestant's claim that such bidder or offeror is not a small business concern. Such protest must be received by the contracting officer prior to the close of business on the 5th working day after bid opening date or closing date for the receipt of proposals. A protest received after such time shall be considered timely, if in the case of mailed protests, such protest is sent by registered or certified mail and the postmark thereon indicates that the protest would have been delivered within this time limit but for delays beyond the control of the protestant or, in any case of telegraphed protests, the telegram date and time line indicates that the protest would have been delivered within this time limit but for delays beyond the control of the protestant. A protest received after award of a contract, even though timely, will not be considered a "protest" and will be returned to the sender with an explanation of why it could not be acted upon.

(c) Upon receipt of a protest, the SBA Regional Director or his delegate will promptly notify the contracting officer of the date it was received, and will inform the affected bidder or offeror that its size status is under review.

(d) SBA will, within 10 working days, if possible, after receipt of a protest, investigate and determine the small business status of the protested bidder or offeror and notify the contracting officer, the protestant, and the protested bidder or offeror of its decision. Such decision is final unless appealed in accordance with paragraph (f) of this § 1-1.703-2

and the procuring activity is notified of the appeal prior to award. If an award was made prior to the time the contracting officer receives notice of the appeal, the contract shall be presumed to be valid and any determination rendered shall be considered in future procurements.

(e) Procurement action shall be suspended pending SBA's determination or expiration of the 10-day period, whichever is earlier, unless unusual conditions make it necessary that an award be made. If SBA's determination is not received by the contracting officer within 10 working days after SBA's receipt of the protest, the contracting officer shall ascertain when such determination can be expected. In cases where further delay in awarding the contract would be disadvantageous to the Government, it shall be presumed that the questioned bidder or offeror is a small business concern.

(f) An appeal from a size determination made by an SBA Regional Director may be taken before the close of business on the 5th working day after the receipt of such decision. Unless such written notice of appeal is received by the SBA Size Appeals Board, Washington, D.C., within this time and the contracting officer has been notified of such appeal prior to award, the appellant will be deemed to have waived its rights of appeal insofar as the pending procurement is concerned.

(g) The determination of the appropriate classification of a product establishing the small business definition to be used in a specific procurement shall be made by the contracting officer and his determination shall be final unless appealed in accordance with paragraph (h) of this § 1-1.703-2.

(h) An appeal from a product classification determination made by a contracting officer may be taken not less than 10 days before the bid opening date or closing date for the submission of proposals wherein the bid opening or closing date is more than 30 days after the issuance of the invitation for bids or request for proposals, or not less than 5 working days before the bid opening date or closing date for the submission of proposals in cases wherein the bid opening date or closing date for the submission of proposals is 30 days or less after the issuance of an invitation for bids or a request for proposals. Such appeals shall be directed to the SBA Size Appeals Board, Washington, D.C.

3. Sections 1-1.706-5(c) and 1-1.706-6(c) are amended with respect to the inclusion of small business size standards. As amended, the paragraphs read as follows:

§ 1-1.706-5 Total set-asides.

(c) In procurements involving total set-asides for small business, each invitation for bids or request for proposals shall contain the following notice. The applicable small business size standard shall be set forth in the schedule.

§ 1-1.706-6 Partial set-asides.

(c) *Short-form notice.* Invitations for bids or requests for proposals involving partial set-asides pursuant to this subpart shall contain a notice substantially as set forth in this paragraph or in paragraph (d) of this § 1-1.706-6. The applicable small business size standard shall be set forth in the schedule.

4. Section 1-1.708-2 is amended to clarify the certificate of competency procedure with respect to partial set-asides, to prescribe an additional documentation requirement in cases involving bidder responsibility, to provide for the referral of certain cases to higher authority, and to provide for withdrawals of negative findings in certain cases. As amended, the section reads as follows:

§ 1-1.708-2 Applicability and procedure.

(a) If a small business concern has submitted an otherwise acceptable bid or proposal but has been found by the contracting officer not to be responsible as to capacity or credit, and if the bid or proposal is to be rejected for this reason alone, SBA shall be notified of the circumstances so as to permit it to issue a certificate of competency. If a partial set-aside is involved and the bid of a small business concern on the unreserved portion is to be rejected for lack of capacity or credit and the same small business concern is entitled to consideration on the reserved portion of the set-aside if a certificate of competency is issued by SBA, the entire quantity of the procurement (reserved and unreserved) for which that small business concern may be entitled, if competent, shall be referred to SBA and the referral papers so noted, in which event SBA may certify the small business concern for the maximum in quantity for which it is eligible under the procurement. The award shall be withheld pending either SBA issuance of a certificate of competency or the expiration of 15 working days after SBA is so notified, whichever is earlier, subject to the following:

(1) This procedure is not mandatory where award must be made without delay and the contracting officer includes in the contract file a statement signed by him which justifies immediate action. A copy of the statement shall be furnished the SBA representative.

(2) This procedure does not apply to proposed awards of less than \$2,500.

(3) This procedure is optional, within the discretion of the contracting officer, as to proposed awards of more than \$2,500, but less than \$10,000.

(4) This procedure does not apply where the contracting officer has found a small business concern not to be responsible for a reason other than lack of capacity or credit.

(5) A determination by a contracting officer that a small business concern is not responsible for reasons other than deficiencies in capacity or credit (e.g., lack of integrity, business ethics, or persistent failure to apply necessary tenacity or perseverance to do an acceptable job) must be supported by substantial evidence documented in the contract file.

(6) If the contracting officer has any doubt as to whether the unsatisfactory record of performance can reasonably be attributed solely to lack of capacity or credit, he shall forward the matter to higher authority within his agency for resolution. The decision of such higher authority shall be final.

(b) To assist SBA in determining the capacity and credit of small business concerns involved in a particular procurement, the procurement agency shall at the time of notification make available to SBA all pertinent technical and financial information with respect to the small business concern involved, including but not limited to copies of the invitation for bids or request for proposals, drawings, specifications, preaward surveys, and abstracts of bids.

(c) Nothing in this section shall be construed to prevent a contracting officer from selecting, in the first instance, the source of supply offering the highest competence obtainable or the best scientific approach where such source is needed in certain negotiated procurements of research and development, highly complex equipment, or personal or professional services. However, if a small business concern has been selected on the basis of the highest competence obtainable or best scientific approach and, prior to award, the contracting officer determines that the concern is not responsible because of lack of capacity or credit, the certificate of competency procedure in paragraph (a) of this § 1-1.708-2 is applicable.

(d) If the contracting officer learns, after referral of a negative finding as to capacity or credit, that an SBA regional office is planning to issue a certificate of competency or to refer the application therefor to the SBA Central Office, Washington, D.C., the contracting officer should ask the local office of SBA if there are new or additional facts in the case. If these facts warrant, the contracting officer should consider a reversal of his negative finding. Every effort should be made to resolve the differences between SBA and the contracting agency through a complete exchange of preaward information.

Subpart 1-1.10—Publicizing Procurement Actions

1. Section 1-1.1003-4 is amended to provide for the synopsisizing in the Commerce Business Daily of the names of concerns invited to submit proposals. As amended, the section reads as follows:

§ 1-1.1003-4 Synopses of subcontract opportunities.

(a) *By contracting officers.* (1) In order to broaden the opportunity in negotiated procurement for subcontracting to small business concerns and others, contracting officers shall, unless not in the Government's interest or subcontracting opportunities do not exist, publish in the Commerce Business Daily the names and addresses of firms to whom requests for proposals are to be issued in connection with all procurement actions over \$500,000. Contracting officers are encouraged to synopsisize procurement actions under

\$500,000 unless not in the Government's interest or subcontracting opportunities do not exist. However, the list need not be synopsisized where the number of concerns to whom requests for proposals will be sent is extensive, the list includes all or a major portion of an industry, and the procurement involves articles which either are regularly sold commercially or are essentially similar to articles which are so sold. The foregoing procedure will offer opportunities to small business concerns and others interested in subcontracting to make direct contacts with prospective prime contractors at an early stage in the procurement. An addition to the regular synopsis, prepared in accordance with § 1-1.1003-7, shall be made as set forth in § 1-1.1003-7(b)(8).

(2) Contracting officers shall, unless not in the Government's interest or subcontracting opportunities do not exist, publish in the Commerce Business Daily the names and addresses of firms which have submitted acceptable technical proposals in the first step of two-step formal advertising and will therefore be issued invitations for bids in the second step (see § 1-2.503). Such lists should be followed by a statement substantially as follows:

It is suggested that small firms or others interested in subcontracting opportunities in connection with this procurement make direct contact with the above firms.

(b) *By prime contractors and subcontractors.* Prime contractors and subcontractors should be encouraged to use the Commerce Business Daily to publicize opportunities in the field of subcontracting stemming from Government business. Prime contractors and their subcontractors will be advised to mail subcontract information directly to the U.S. Department of Commerce, Commerce Business Daily, Room 1300, New Post Office Building, 433 West Van Buren Street, Chicago, Ill., 60607, under the heading "Subcontracting Assistance Wanted" and in the form of the following example:

XYZ CO. ATTN JOHN Z. SMITH, TELE. NO. RANDOLPH 6-1111, 102 FIRST AVE., CHICAGO, ILLINOIS 60607, seeks Subcontractor on items to be used in connection with Contract No. _____ awarded _____

(Date)
COILS, INDUCTION, DWG. NO. 10-742
_____ 10,000 ea. (Name, description, and quantity of other items or services may be included as long as contract assistance is desired under the same contract number.) If interested, make inquiry before _____

(Date)
to above contractor.

2. Section 1-1.1003-7(a) is amended to correct the address of the Commerce Business Daily. As amended, the paragraphs (a) and (b)(8) read as follows:

§ 1-1.1003-7 Preparation and transmittal.

(a) Procuring activities shall transmit synopses of proposed procurements as follows:

(1) When teletypewriter service is available and time or other considerations indicate that mail service should not be used, all synopses shall be forwarded as frequently as practical each day via teletypewriter covering invita-

tions for bids and requests for proposals or quotations issued on that day, or at the earliest practical time prior to the issuance of such invitations and requests as is deemed appropriate to the following address: Synopses, U.S. Department of Commerce, Field Services, Chicago, Ill.

(2) When the use of mail service does not interfere with the intent to allow interested concerns ample time to submit bids, proposals, or quotations, or when teletypewriter service is not available, synopses normally shall be sent by airmail or ordinary mail, whichever is considered more expeditious, addressed as follows: U.S. Department of Commerce, Commerce Business Daily, Room 1300, New Post Office Building, 433 West Van Buren Street, Chicago, Ill., 60607. This address should be used also when commercial teletypewriter facilities are used.

(b) * * *

(8) Where the contracting officer determines in accordance with § 1-1.1003-4(a) that the names of concerns to whom requests for proposals have been issued should be included in the synopsis, such synopsis shall contain substantially the following statement:

Requests for proposals have been issued to the following concerns:

(Name of concern)	(Address)
It is suggested that small business concerns or others interested in subcontracting opportunities in connection with this procurement make direct contact with the above firms.	

3. Section 1-1.1004-1(a) is amended to correct the address to be used in submitting synopses. As amended, the paragraph reads as follows:

§ 1-1.1004-1 Preparation and transmittal.

(a) Procuring activities shall transmit synopses of contract awards by airmail or ordinary mail, whichever is considered more expeditious, before the close of business at the end of each week, addressed as follows: U.S. Department of Commerce, Commerce Business Daily, Room 1300, New Post Office Building, 433 West Van Buren Street, Chicago, Ill., 60607.

PART 1-2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 1-2.1—Use of Formal Advertising

1. Section 1-2.102 is amended to designate the present text thereof as paragraph (a) and to add as paragraph (b) a statement referencing § 1-3.807-3. As amended, the section reads as follows:

§ 1-2.102 Policy.

(a) Procurement shall be made by formal advertising whenever such method is feasible and practicable under the existing circumstances even though such conditions and circumstances would otherwise satisfy the requirements of Subpart 1-3.2. In accordance with this requirement, procurements shall generally be made by soliciting bids from

all qualified sources of supplies or services deemed necessary by the contracting officer to assure full and free competition consistent with the procurement of the required property or services. Current lists of bidders shall be maintained in accordance with § 1-2.205.

(b) For requirements applicable to the pricing of modifications of formally advertised contracts see § 1-3.807-3.

2. Section 1-2.104-4 is amended to correct the references therein. As amended, the section reads as follows:

§ 1-2.104-4 Indefinite delivery-type contracts.

(a) Definite quantity contracts (see § 1-3.409(a)).

(b) Requirements contracts (see § 1-3.409(b)).

(c) Indefinite quantity contracts (see § 1-3.409(c)).

Subpart 1-2.2—Solicitation of Bids

1. Section 1-2.201(a) is amended to include in paragraphs (11), (25), and (26), respectively, requirements regarding false statements, licenses under the Atomic Energy Act of 1954, and the identification of set-asides for labor surplus area and small business concerns.

§ 1-2.201 Preparation of invitations for bids.

(a) * * *

(11) A statement in the invitation that "Bids must set forth full, accurate, and complete information as required by this invitation for bids (including attachments). The penalty for making false statements in bids is prescribed in 18 U.S.C. 1001."

(25) The Atomic Energy Act of 1954, as amended, confers specified regulatory authority on the Atomic Energy Commission and authorizes the AEC to transfer certain of that authority to individual States. In general, the authority transferred to the States includes responsibility for issuing licenses for the possession and use of by-product and source materials and special nuclear material in quantities not sufficient to form a critical mass. The Commission is required to retain jurisdiction over certain activities, e.g., disposal of radioactive wastes into the ocean. Where an invitation for bids requires that the bidder have an AEC license, the invitation shall also provide that an appropriate license issued to a bidder by a State pursuant to an agreement with AEC under the provisions of Section 274 of the Atomic Energy Act of 1954, as amended, will satisfy the requirements of the invitation. As used in this § 1-2.201(a)(25), the term "State" means any State, Territory, or possession of the United States, the Canal Zone, Puerto Rico, and the District of Columbia.

(26) When the procurement involves a set-aside for labor surplus area or small business concerns, the following provision will be placed on the face of the invitation or on a cover sheet:

This is a _____ percent set-aside for (small business) (labor surplus area) concerns.

Subpart 1-2.4—Opening of Bids and Award of Contract

1. Section 1-2.408 is revised regarding the requirements for notifying unsuccessful bidders. As amended, the section reads as follows:

§ 1-2.408 Information to bidders.

(a) (1) Where award is made to other than the low bidder, the contracting activity shall as a minimum notify the unsuccessful lower bidders promptly of the fact that their bids were rejected. Where the contracting officer has reason to believe that an unsuccessful lower bidder may protest the rejection of his bid, the notification to the bidder also should state in general terms the reason for rejection.

(2) Notification of rejection also shall be given to any unsuccessful higher bidder where the circumstances were such that he may have had reason to believe he might receive an award, e.g., the bidder was requested to extend his bid acceptance time or clarify his bid, or the bidder knew that his bid was the lowest received by bid opening time (but the lower successful bid was received late).

(3) In addition to the requirements of subparagraphs (1) and (2) of this paragraph, notification of rejection should be given to all other unsuccessful bidders when feasible.

(b) Notification to unsuccessful bidders may be accomplished either orally, or in writing through the use of a form postal card, self-mailer, or other appropriate means. When giving such notification, the contracting activity also should extend to each bidder its appreciation for the interest the bidder has shown in submitting a bid.

(c) If additional information is requested by unsuccessful bidders, the contracting activity shall furnish them with the name and address of the successful bidder, together with the contract price, and should also inform them as to the location where a copy of the abstract of bids is available for inspection. However, when numerous awards have been made and furnishing such information would require so large an amount of work as to interfere with the normal operations of the contracting activity, only information concerning the location of the abstract of bids need be given. In addition, if the request is made by an unsuccessful bidder whose bid price was lower than that of the successful bidder, sufficient information shall be furnished in the reply to fully explain the basis for the award.

(d) If a request is received from an inquirer who is neither a bidder nor a representative of a bidder, the purchasing activity may furnish the names of the successful bidders and, if requested, the prices at which awards were made. However, where the furnishing of this information in response to such requests would unduly interfere with the normal operations of the purchasing activity, the inquirer will be advised where a copy of the abstract of bids is available for inspection.

Subpart 1-2.5—Two-Step Formal Advertising

Paragraph (d) of § 1-2.503-2 is amended to reflect the revision of § 1-1.1003-4 regarding synopsisizing where two-step formal advertising is involved. As amended, the paragraph reads as follows:

§ 1-2.503-2 Step two.

(d) Will not be synopsisized (see Subpart 1-1.10) or publicly posted (see § 1-2.203-2), except that the names of firms which have submitted acceptable technical proposals in step one of two-step formal advertising will be listed in the Commerce Business Daily for the benefit of prospective subcontractors in accordance with § 1-1.1003-4.

PART 1-3—PROCUREMENT BY NEGOTIATION**Subpart 1-3.3—Determinations, Findings, and Authorities**

1. Paragraph (e) of § 1-3.302 is revised to include a reference to § 1-3.807-3(b). As revised, the paragraph reads as follows:

§ 1-3.302 Determinations and findings required.

(e) The determinations required with respect to waiving a requirement for the submission of cost or pricing data and the certification thereof (see § 1-3.807-3(b)) and for the inclusion of the clauses required by §§ 1-3.814-1 through 1-3.814-3 in contracts with foreign governments or agencies thereof.

2. Section 1-3.303 is revised to correct the reference to § 1-3.213. As revised, the section reads as follows:

§ 1-3.303 Determinations and findings by the head of the agency.

The determinations and written findings in support thereof, required by §§ 1-3.211 through 1-3.213, may be made only by the head of the agency, except that the authority to make the determinations and findings required by § 1-3.211 may be delegated by the head of the agency to a chief officer responsible for procurement and only with respect to contracts which will not require the expenditure of more than \$25,000.

3. Section 1-3.807-11(b) is revised to make it clear that the use of available negotiated overhead rates is not required where the rate includes elements of cost which are not allowable with respect to a given contract.

§ 1-3.807-11 Overhead rate considerations.

(b) In order to assure a reasonable approximation and allocation of indirect costs on an equitable basis to individual contracts, negotiators shall utilize audited overhead data or negotiated

overhead rates, where available, in connection with negotiation of contracts and should not seek preferential overhead rates. However, contracting officers may examine such data or rates to determine whether they include elements of cost which individually are not allocable with respect to the contract under consideration (see Part 1-15). Where a rate is found to include such elements of cost an overhead rate should be established which excludes those costs.

4. In § 1-3.814-2(a), paragraph (b) of the Audit clause contained therein is amended with respect to the basis on which the contractor agrees to insert the substance of the clause in subcontracts.

§ 1-3.814-2 Audit and records.

(a) * * *

AUDIT

(b) * * *

(b) The Contractor agrees to insert the substance of this clause including this paragraph (b) in all subcontracts hereunder in excess of \$100,000, so as to apply until three years after final payment under the subcontract, unless the price is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation. In each such excepted subcontract hereunder in excess of \$100,000, the Contractor shall insert the substance of the following clause to apply until three years after final payment under the subcontract.

PART 1-16—PROCUREMENT FORMS**Subpart 1-16.8—Miscellaneous Forms**

New § 1-16.805 is added which reads as follows:

§ 1-16.805 Sealed bid label.

Optional Form 17 (Illustrated in § 1-16.902-OF17) is a gummed back label which is designed to enhance bidder compliance with instructions for submission of bids (e.g., paragraph 3, Standard Form 33-A) and thereby facilitate the identification and handling of sealed bids upon receipt by the Government. The form may be furnished to prospective bidders at the discretion of the agencies. The normal procedure is to include one copy of the form with the invitation for bids furnished to each prospective bidder. Optional Form 17 is available in pads of 100 from General Services Administration supply depots (Federal Stock No. 7540-753-5052).

Subpart 1-16.9—Illustrations of Forms

New § 1-16.902 is added which reads as follows:

§ 1-16.902 Optional forms.

Optional forms are illustrated in this section in the same manner and for the same purpose as is stated in § 1-16.901 for standard forms.

§ 1-16.902-OF17 Optional Form 17, Sealed Bid Label.

OF-17 (NOV. 60)

FPR (41 CFR) 1-16-805

IMPORTANT—NOTICE TO BIDDER

On the envelope submitting your bid, it is imperative:

1. That your name and address appear in the UPPER left corner.
2. That the bottom portion of this label be filled in and pasted on the LOWER left corner.

5017-101

SEALED	INVITATION NO.	BIDDER
	DATE OF OPENING	
	TIME OF OPENING A. M. P. M.	
	BID FOR	

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 436(c))

Effective date. These regulations are effective September 15, 1965, but may be observed earlier.

Dated: July 23, 1965.

LAWSON B. KNOTT, Jr.,
Administrator of General Services.

[F.R. Doc. 65-8121; Filed, July 30, 1965;
8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3741]

[Sacramento 079584]

CALIFORNIA

Opening of Lands Under Section 24 of Federal Power Act

By virtue of the authority contained in section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818) as amended, it is ordered as follows:

1. In DA-1047-California, the Federal Power Commission vacated the withdrawal created by the filings on January 2, 1952, and January 15, 1953, as amended on June 10, 1956, respectively, by California Oregon Power Co. of applications for preliminary permit and for license, respectively, for Project No. 2099 as it affects the following described lands:

MOUNT DIABLO MERIDIAN

T. 38 N., R. 2 W.,

Sec. 6, lots 1, 2, and 3;
Sec. 10, E $\frac{1}{2}$ E $\frac{1}{2}$, and W $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 14, N $\frac{1}{2}$, and N $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 20, E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 22, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$, and SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 26, SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 28, NE $\frac{1}{4}$, and E $\frac{1}{2}$ SW $\frac{1}{4}$.

The areas described aggregate 1615.71 acres in the Shasta National Forest.

2. In DA-1047-California, the Commission also determined that the power values of the following described lands withdrawn in Project No. 2106 will not be injured or destroyed for power purposes by restoration to location, entry or selection under appropriate public land laws, subject to the provisions of section 24 of the Federal Power Act; subject also to the prior right of the United States, its licensees or permittees to use and occupy the lands for project purposes as provided for under the license for Project No. 2106:

MOUNT DIABLO MERIDIAN

T. 38 N., R. 2 W.,

Sec. 10, E $\frac{1}{2}$ SE $\frac{1}{4}$, and W $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 22, E $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, and S $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 26, SW $\frac{1}{4}$ NW $\frac{1}{4}$, and NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 28, NE $\frac{1}{4}$ NE $\frac{1}{4}$.

The areas described aggregate approximately 600 acres in the Shasta National Forest.

The State of California has waived the preference right of application provided it by section 24 of the Act of June 10, 1920, as amended May 28, 1948 (62 Stat. 275; 16 U.S.C. 818).

3. Commencing at 10 a.m. on August 31, 1965, the lands shall be subject to such forms of disposition as may by law be made of national forest lands. Any disposals of lands described in paragraph 2 of this order shall be subject to the provisions of section 24 of the Federal Power Act, supra, and to the condition specified by the Federal Power Commission in its determination (DA-1047-California).

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, Calif.

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

JULY 26, 1965.

[F.R. Doc. 65-8084; Filed, July 30, 1965;
8:46 a.m.]

[Public Land Order 3742]

[Anchorage 028249]

ALASKA

Partial Revocation of Public Land Order No. 1384 of January 23, 1957

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Public Land Order No. 1384 of January 23, 1957, is hereby revoked so far as it withdrew the following described lands:

KNIE RIVER RECREATION SITE

U.S. Survey 3243.

The area described contains 31.52 acres.

The lands are situated about 35 miles northeast of Anchorage. Topography ranges from gentle sloping to marsh. Vegetative cover consists mainly of spruce, cottonwood, and willows, with an understory of berry bushes and native grasses. A portion of the lands is inundated yearly during the breakup of Lake George.

2. Until 10 a.m., on October 27, 1965, the State of Alaska shall have a preferred right to select the restored lands subject to the requirements and limitations of the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR 2222.9 (formerly 43 CFR, Part 76).

3. This order shall not otherwise become effective to change the status of the lands until 10 a.m. on October 27, 1965. At that time they shall be open to the operation of the public land laws generally, including the mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on August 31, 1965, shall be considered as simultaneously filed at that time. Those filed after that hour shall be considered in the order of filing.

The lands have been open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Manager, Anchorage District and Land Office, Bureau of Land Management, Anchorage, Alaska.

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

JULY 26, 1965.

[F.R. Doc. 65-8085; Filed, July 30, 1965;
8:46 a.m.]

[Public Land Order 3743]

[Anchorage 062130]

ALASKA

Partial Revocation of Public Land Order No. 615 of November 8, 1949

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 615 of November 8, 1949, so far as it withdrew the following described land for public recreational purposes, is hereby revoked:

SEWARD MERIDIAN

T. 13 N., R. 3 W.,
Sec. 33, S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$.

The area described aggregates 20.0 acres.

2. Until 10 a.m. on October 27, 1965, the State of Alaska shall have a preferred right of application to select the lands as provided by the Act of July 28, 1956, (70 Stat. 709; 48 U.S.C. 46-3b), Section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339) and the regulations of 43 CFR 2222.9 (formerly 43 CFR, Part 76). After that date and hour, the lands shall become subject to application, petition, location, and selection generally, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. All valid applications except preference right applications from the State of Alaska, received at or prior to 10 a.m. on October 27, 1965, shall be considered as simultaneously filed at that time.

3. The lands shall be open to location under the United States mining laws at 10 a.m. on October 27, 1965.

Inquiries should be addressed to the Manager, Anchorage District and Land Office, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska, 99501.

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

JULY 26, 1965.

[F.R. Doc. 65-8086; Filed, July 30, 1965;
8:46 a.m.]

[Public Land Order 3744]

[Utah 0143635]

UTAH

Power Site Cancellation No. 217; Partial Cancellation of Power Site Classification No. 377

By virtue of the authority contained in the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 1950 Reorganization Plan No. 3 (64 Stat. 1262; 5 U.S.C. 133Z-15, note), and in section 24 of the Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to the determination of the Federal Power Commission docketed as DA-163-Utah, it is ordered as follows:

1. The Departmental Order of April 10, 1946, creating Power Site Classification No. 377, is hereby cancelled so far as it affects the following-described lands:

SALT LAKE MERIDIAN

T. 26 S., R. 21 E.,
Sec. 11, lots 1 and 2;
Sec. 12, W $\frac{1}{2}$ NW $\frac{1}{4}$ of lot 2, S $\frac{1}{2}$ of lot 2, lot 3, W $\frac{1}{2}$ of lot 4, SE $\frac{1}{4}$ of lot 4, all of 6, 7, 11 and 12.
T. 25 S., R. 22 E.,
Sec. 28, SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 26 S., R. 22 E.,
Sec. 6, lots 3, 4, W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$,
W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 8, lots 1, 2, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 9, lot 1;
Sec. 18, lot 1.

The areas described aggregate approximately 750 acres of which the following described lands are in reclamation withdrawal for the Pack Creek Project:

T. 26 S., R. 21 E.,
Sec. 11, lot 1;
Sec. 12, W $\frac{1}{2}$ NW $\frac{1}{4}$ of lot 2, S $\frac{1}{2}$ of lot 2, lot 3, W $\frac{1}{2}$ of lot 4, SE $\frac{1}{4}$ of lot 4, and lots 6 and 12.
T. 26 S., R. 22 E.,
Sec. 8, lots 1 and 2, and SE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 9, lot 1.

2. Except for the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$, section 28, T. 25 S., R. 22 E., all of the lands are located in Spanish Valley near Moab, Utah. This 80 acre tract is situated near the head of Negro Bill Canyon about four miles north of Spanish Valley. The topography of the subject lands ranges from moderately rolling to very steep, nearly vertical cliffs. The vegetative cover is black brush and pinon-juniper types and are poor to fair grazing lands. All of the land in Spanish Valley is located within one mile of Moab.

3. Until 10 a.m., on January 26, 1966, the State of Utah shall have a preferred right of application to select the lands as provided by R.S. 2276, as amended (43 U.S.C. 852). This order shall not otherwise be effective to change the status of the unreserved public lands until 10 a.m., on January 26, 1966. On and after that date and hour the lands shall become subject to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications, except preference right applications from the State, received at or prior to 10 a.m., on August 31, 1965, shall be considered as simultaneously filed at that time. Rights under such applications and selections filed after that hour will be governed by the time of filing.

4. The lands restored by this order have been open to application and offers under the mineral leasing laws, and to location under the United States mining laws subject to the provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Salt Lake City, Utah.

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

JULY 26, 1965.

[F.R. Doc. 65-8087; Filed, July 30, 1965;
8:46 a.m.]

[Public Land Order 3745]

[Sacramento 079310]

CALIFORNIA

Partial Revocation of Executive Order 6544

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Executive Order No. 6544 of December 30, 1933, withdrawing public lands as

fire-lookout sites and for storing explosives, is hereby revoked so far as it affects the following-described land:

MOUNT DIABLO MERIDIAN

T. 27 N., R. 8 W.,
Sec. 28, S $\frac{1}{2}$ SW $\frac{1}{4}$.

The area described contains 80 acres.

The land is located in Butte County, about 25 air miles west of Red Bluff, Calif. Topography is precipitous to gentle. Soils are shallow to moderately deep. Vegetative cover consists of heavy bitterbrush, chamise and manzanita.

2. Until 10 a.m. on January 26, 1966, the State of California shall have a preferred right of application to select the lands as provided by R.S. 2276, as amended (43 U.S.C. 852). On and after that date and hour the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on January 26, 1966, shall be considered as simultaneously filed at that time. Those filed thereafter shall be considered in the order of filing.

3. The land has been open to applications and offers under the mineral leasing laws, and to location for metalliferous minerals. It will be open to location for nonmetalliferous minerals under the United States mining laws (Ch. 2, Title 30 U.S.C.), beginning at 10 a.m. on January 26, 1966.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, Calif.

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

JULY 26, 1965.

[F.R. Doc. 65-8088; Filed, July 30, 1965;
8:46 a.m.]

[Public Land Order 3746]

[Oregon 016438]

OREGON

Partial Revocation of National Forest Administrative Site Withdrawals

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. All existing orders of withdrawal for administrative sites, so far as they affect the following-described national forest lands, including the departmental orders of November 17, 1906, March 30, 1907, December 17, 1907, January 21, 1908, February 18, 1908, March 27, 1908, May 21, 1908, September 4, 1908, and October 19, 1908, and Public Land Order No. 990 of August 11, 1954, are hereby revoked:

WILLAMETTE MERIDIAN, OREG.

MOUNT HOOD NATIONAL FOREST

Little Sandy Administrative Site No. 1

T. 2 S., R. 6 E.,
Sec. 6, lots 5, 6, 7, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and E $\frac{1}{2}$ SW $\frac{1}{4}$.
Cedar Creek Ranger Station Administrative Site No. 66

T. 3 S., R. 6 E.,
Sec. 6, lots 3 and 4.

RULES AND REGULATIONS

Summitt House Ranger Station Administrative Site No. 6

T. 3 S., R. 8 $\frac{1}{2}$ E.,
Sec. 25, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$.

Gate Creek (Zigzag) Ranger Station Administrative Site No. 53

T. 4 S., R. 11 E.,
Sec. 35, NE $\frac{1}{4}$ NE $\frac{1}{4}$.

UMPQUA NATIONAL FOREST**Diamond Lake Recreation Area**

T. 27 S., R. 5 E., unsurveyed,
Sec. 25, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 36, E $\frac{1}{2}$ W $\frac{1}{2}$.
T. 27 S., R. 6 E.,
Sec. 29, SE $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 28 S., R. 6 E., unsurveyed,
Sec. 9, W $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 16, W $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 17, N $\frac{1}{2}$;
Sec. 18, NE $\frac{1}{4}$.

WILLAMETTE NATIONAL FOREST**Little Fall Creek Ranger Station Administrative Site**

T. 18 S., R. 2 E.,
Sec. 7, lots 2, 3, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$.

Spalding Place Ranger Station Administrative Site

T. 10 S., R. 5 E.,
Sec. 20, E $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 21, W $\frac{1}{2}$ NW $\frac{1}{4}$.

Square Mountain Ranger Station Administrative Site No. 36

T. 14 S., R. 5 E.,
Sec. 28, SE $\frac{1}{4}$ SE $\frac{1}{4}$.

Curtis Place Ranger Station Administrative Site No. 41

T. 10 S., R. 6 E.,
Sec. 7, NE $\frac{1}{4}$ SW $\frac{1}{4}$.

Coffin Mountain Ranger Station Administrative Site

T. 11 S., R. 6 E.,
Sec. 14, metes and bounds (SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$);
Sec. 15, metes and bounds (E $\frac{1}{2}$ NE $\frac{1}{4}$).

West Side Ranger Station Administrative Site

T. 14 S., R. 6 E.,
Sec. 19, NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, and E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$.

Smith River Ranger Station Administrative Site

T. 15 S., R. 6 E.,
Sec. 11, metes and bounds (SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$);
Sec. 12, metes and bounds (SW $\frac{1}{4}$ NW $\frac{1}{4}$).

Paradise Ranger Station Administrative Site

T. 16 S., R. 6 E.,
Sec. 17, lots 3, 4, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$.

Duncan Ranger Station Administrative Site

T. 16 S., R. 6 E.,
Sec. 20, S $\frac{1}{2}$ SE $\frac{1}{4}$.

Wildcheat Meadow Ranger Station Administrative Site No. 55

T. 10 S., R. 7 E.,
Sec. 12, W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$.

Independence Prairie Ranger Station Administrative Site No. 24

T. 11 S., R. 7 E.,
Sec. 15, S $\frac{1}{2}$ NE $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$.

Pine Ridge Ranger Station Administrative Site No. 27

T. 11 S., R. 7 E.,
Sec. 35, SW $\frac{1}{4}$.

Lost Creek Ranger Station Administrative Site

T. 16 S., R. 7 E.,
Sec. 20, metes and bounds (SE $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$).

Pyramids Ranger Station Administrative Site

T. 12 S., R. 8 E.,
Sec. 14, metes and bounds (SE $\frac{1}{4}$).

Duffy Prairie Ranger Station Administrative Site

T. 12 S., R. 8 E.,
Sec. 34, metes and bounds (SE $\frac{1}{4}$ NE $\frac{1}{4}$).

The areas described aggregate approximately 2610.32 acres.

2. At 10 a.m. on August 31, 1965, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

JULY 26, 1965.

[F.R. Doc. 65-8089; Filed, July 30, 1965; 8:46 a.m.]

Title 19—CUSTOMS DUTIES**Chapter I—Bureau of Customs, Department of the Treasury**

[T.D. 56454]

PART 16—LIQUIDATION OF DUTIES Countervailing Duties; Sugar Content of Certain Articles From Australia

The following information is published pursuant to T.D. 54582 dated April 29, 1958 (23 F.R. 3034).

The Treasury Department is in receipt of official information that the rates of bounties or grants paid or bestowed by

the Australian Government within the meaning of section 303, Tariff Act of 1930 (19 U.S.C. 1303), on the exportation during the first 6 months of 1965 of approved fruit products and other approved products containing sugar are the amounts set forth in the following table:

MERCHANDISE—APPROVED FRUIT PRODUCTS AND OTHER APPROVED PRODUCTS

	Net amount of bounty per 2,240 pounds of sugar content
1965	
January	41.36, 17.0
February	40.4.0
March	40.7.0
April	37.1.0
May	39.10.0
June	41.10.0

The net amounts of bounties or grants on the above-described commodities which are manufactured or produced in Australia are hereby ascertained, determined, and declared to be the amounts set forth in the above table. Collectors of customs shall assess and collect additional duties on the above-described commodities, except those commodities covered by T.D. 55716 (27 F.R. 9595), whether imported directly or indirectly from that country, equal to the appropriate net amount of the bounty shown in the above table.

The table in § 16.24(f) of the Customs Regulations is amended by inserting after the last line under "Australia—Sugar content of certain articles" the number of this Treasury decision in the column headed "Treasury Decision" and the words "New rates" in the column headed "Action." Since it has been determined that the retention of references to Treasury decisions publishing countervailing duty orders for a longer period than 1 year serves no real need (T.D. 56258, 29 F.R. 12961), the table is further amended by deleting therefrom under "Australia—Sugar content of certain articles" the number 56258 in the column headed "Treasury Decision" and the words "New rates" appearing opposite such number in the column headed "Action."

(R.S. 251, secs. 303, 624, 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624)

[SEAL] LESTER D. JOHNSON,
Acting Commissioner of Customs.

Approved: July 26, 1965.

JAMES POMEROY HENDRICK,
Acting Assistant Secretary
of the Treasury.

[F.R. Doc. 65-8107; Filed, July 30, 1965; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 1]

PORTS OF ENTRY

Proposed Consolidation of Ports of Entry of Buffalo and Niagara Falls, N.Y.

It has been determined that customs service can be more economically and efficiently provided in the Buffalo-Niagara Falls area by combining the two existing, adjoining ports of entry at Buffalo and Niagara Falls, N.Y., into a single consolidated port of entry. Consolidation will in no way diminish service to the importing or traveling public. It will permit savings in operating costs by the elimination of duplicating internal functions.

Accordingly, notice is hereby given pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that under the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR, Ch. II), and pursuant to authorization given to me by Treasury Department Order No. 190, Rev. 2 (28 F.R. 11570), it is proposed to abolish the customs ports of entry at Buffalo, N.Y., and Niagara Falls, N.Y., in Customs Collection District No. 9 (Buffalo), and simultaneously establish a new customs port of entry to be known as "Buffalo-Niagara Falls," in Customs Collection District No. 9 (Buffalo).

The geographical limits of the new consolidated port of entry shall include all the territory presently within the existing ports of entry of Buffalo and Niagara Falls and shall be described as follows:

All the territory within the corporate limits of the cities of Buffalo, Niagara Falls, Lewiston, Lackawanna, Tona-

wanda, and North Tonawanda, and the townships of Grand Island, Tonawanda, Amherst, Cheektowaga, Hamburg, West Seneca, and Orchard Park in the county of Erie, and the township of Niagara in the county of Niagara, and that part of Wheatfield township, in the county of Niagara, which lies within the boundaries of the Niagara Falls Municipal Airport, and the customs inspection station located on Interstate Route 190 where the highway crosses the Niagara River over the Lewiston Bridge in Lewiston township. All of the aforementioned cities, villages, townships, and counties are located in the State of New York.

It is further proposed to amend § 1.1 (c) of the Customs Regulations to reflect this change.

Data, views, or arguments concerning the proposed consolidation may be addressed in writing to the Commissioner of Customs, Bureau of Customs, Washington, D.C., 20226. To assure consideration of such communications, they must be received in the Bureau of Customs not later than 30 days after publication of this notice in the *FEDERAL REGISTER*. No hearings will be held.

[SEAL]

JAMES P. HENDRICK,
Acting Assistant Secretary
of the Treasury.

[F.R. Doc. 65-8108; Filed, July 30, 1965;
8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 65-WE-33]

CONTROL ZONE AND TRANSITION AREA

Alteration of Proposed Designation

In a notice of proposed rule making published in the *FEDERAL REGISTER* on May 27, 1965 (30 F.R. 7111), it was stated that the Federal Aviation Agency pro-

posed to designate controlled airspace in the Fort Huachuca, Ariz., terminal area.

Subsequent to the publication of the notice, a review of controlled airspace requirements in the Fort Huachuca terminal area indicates that additional airspace east of Fort Huachuca, with a floor of 1,200 feet above the surface, would be required to provide protection for aircraft executing transition procedures from the Douglas, Arizona, VORTAC.

Accordingly, the notice is hereby amended to propose that the portion of the Fort Huachuca transition area extending upward from 1,200 feet above the surface be designated as that airspace bounded on the S by latitude 31°25'00" N., on the W by longitude 110°30'00" W., on the N by the Tucson, Ariz., transition area, on the NE by V-66, and on the E by longitude 109°44'00" W., excluding the airspace within the Douglas, Ariz., transition area.

The designation of the 700-foot portion of the transition area and the control zone remains as originally proposed in the notice.

In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views or arguments, the date for filing such material is extended to August 30, 1965.

Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif., 90009.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 749; 49 U.S.C. 1348)

Issued in Los Angeles, Calif., on July 23, 1965.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 65-8078; Filed, July 30, 1965;
8:45 a.m.]

Notices

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS UNDER THE LONG TERM AR- RANGEMENT REGARDING INTER- NATIONAL TRADE IN COTTON TEXTILES

Announcement of ITAC Actions and Restraint Levels

JULY 23, 1965.

The purpose of this notice is to announce certain actions taken by the U.S. Government in furtherance of the objectives of, and under the terms of the Long Term Arrangement Regarding International Trade in Cotton Textiles, done at Geneva on February 9, 1962. This information is also published in Department of Commerce press release G 65-111 dated July 20, 1965.

1. *Bilateral agreements.* A bilateral agreement has been concluded with the Government of Colombia, covering the period of July 1, 1965, to June 30, 1969. The terms of this agreement were reported in Department of State press release No. 144 of June 9, 1965.

By an exchange of letters, the Governments of the United States and Poland agreed that Poland's exports to the United States in Category 46 (men's and boys' sport shirts) for the 12-month period beginning on May 26, 1965, would be limited to 8,000 dozen.

The bilateral agreement concluded on August 27, 1963, with the Government of Japan (TIAS 5408) regarding cotton textiles and cotton textile products produced or manufactured in Japan, was amended by an exchange of notes dated May 19, 1965. For details, see Department of State press release No. 116 dated May 19, 1965.

The bilateral agreement concluded on October 19, 1963, with the Government of the Republic of China (TIAS 5482) regarding cotton textiles and cotton textile products produced or manufactured in China, as amended on March 18, 1964 (TIAS 5549), and on January 13, 1965 (TIAS 5754), was further amended by an exchange of notes dated June 22, 1965, which increases the level of Category 6 for the second year of the agreement to 600,000 square yards, and establishes a level for Category 25 of 750,000 square yards during the second year of the agreement. The 5 percent growth provision applies to these levels in subsequent years.

The Arrangement concerning trade in cotton textiles between the Ryukyu Islands and the United States, reported in Department of Commerce press releases G 63-141 dated July 29, 1963, and G 64-127 dated August 13, 1964, was renewed for the third year commencing

July 1, 1965, by an exchange of communications between the Department of Commerce and the High Commissioner of the Ryukyu Islands. Principal features of the Arrangement for the third year are:

(1) Five percent growth is allowed over second year aggregate and category limits.

(2) For all categories, except Category 51, the Ryukyu Islands will be entitled to exceed the limits established for the year by not more than 5 percent. However, exports in these categories remain subject to the aggregate limit of the Arrangement.

(3) The specific ceiling for Category 54 is deleted from the Arrangement, making it subject only to the consultation provisions in the event of an undue concentration of trade.

(4) Certain technical revisions are also made in the provisions of the Arrangement.

Consultations on cotton textile trade problems are continuing with the Governments of India, Malaysia, and Mexico.

2. *Renewal of restraints.* In view of the continuing disruption of the domestic cotton textile market, the U.S. Government has renewed for a further 12-month period from May 1, 1965, the restraint on imports from Mexico in Category 9.

JAMES S. LOVE, Jr.,
Chairman, Interagency Textile
Administrative Committee,
and Deputy to the Secretary
of Commerce for Textile
Programs.

[F.R. Doc. 65-8131; Filed, July 30, 1965;
8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-9544 etc.]

CRA, INC., ET AL.

Findings and Order

JULY 23, 1965.

CRA, Inc. (Operator), et al. (successor to Roy R. Gardner (Operator), et al.) and other applicants listed herein, Docket Nos. G-9544, et al.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending certificates, permitting and approving abandonment of service, terminating certificates, cancelling docket number, terminating rate proceeding, substituting respondents, making successors correspondents, redesignating proceedings, making rate change effective, accepting surety bonds for filing, requiring filing of surety bond, accepting agreement and undertaking for filing, requiring filing of agreements and undertakings, and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permissions and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC Gas Rate Schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are either equal to or below the ceiling prices established by the Commission's Statement of General Policy 61-1, as amended, or involve sales for which permanent certificates have been previously issued.

CRA, Inc. (Operator), et al., Applicant in Docket No. G-9544, proposes to continue the sales of natural gas heretofore authorized in said docket and made pursuant to Roy R. Gardner (Operator), et al., FPC Gas Rate Schedule Nos. 1 and 2. Gardner's rate schedules will be redesignated as those of CRA. The presently effective rates under said rate schedules are in effect subject to refund in Docket No. G-17363.¹ CRA has requested to be made co-respondent in said proceeding and has agreed to file an agreement and undertaking to assure the refund of any amounts collected by it as of April 1, 1965, in excess of the amount determined to be just and reasonable in said proceeding. Accordingly, CRA will be made co-respondent in said proceeding, the proceeding will be redesignated, and CRA will be required to file an agreement and undertaking.

South States Oil & Gas Co., Applicant in Docket No. G-10805, proposes to continue the sale of natural gas heretofore authorized in said docket and made pursuant to F. O. Penn (Operator), et al., FPC Gas Rate Schedule No. 1. Penn's rate schedule will be redesignated as that of South States. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI62-26.¹ A prior increased rate was collected for a locked-in period subject to refund in Docket No. G-20306. Applicant has requested to be made a co-respondent in said proceedings and has agreed to file a surety bond to assure the refund of any amounts collected by it as of January 1, 1965, in excess of the amounts determined to be just and reasonable in said proceedings. Accordingly, Applicant will be made co-respondent in said proceedings, the proceedings will be redesignated, and Applicant will be required to file a surety bond in Docket No. RI62-26.

¹ Consolidated with Docket No. AR64-2, et al.

Thomas N. Berry & Co. (Operator), et al., Applicant in Docket No. G-10843, proposes to continue the sale of natural gas heretofore authorized in said docket and made pursuant to Barrett Petroleum Co. (Operator), et al., FPC Gas Rate Schedule No. 1. Said rate schedule will be redesignated as that of Berry. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. G-20438.² Berry has filed a motion, together with a surety bond, to be made corespondent in said proceeding as of October 1, 1964, the date of transfer of the producing properties. On December 7, 1964, Barrett filed with the Commission a notice of change in rate under its FPC Gas Rate Schedule No. 1. By order issued December 23, 1964, in Docket No. RI65-417 the Commission suspended the proposed change until June 7, 1965, and thereafter until made effective. The change was designated as Supplement No. 2 to the rate schedule. On June 7, 1965, Applicant filed motions, together with a surety bond, in Docket No. RI65-417 to be substituted as respondent and to make the change in rate effective. Accordingly, Applicant will be made a corespondent in the proceeding pending in Docket No. G-20438 and will be substituted as respondent in the proceeding pending in Docket No. RI65-417, said proceedings will be redesignated, the change in rate in Docket No. RI65-417 will be made effective subject to refund as of June 7, 1965, and the surety bonds submitted in Docket Nos. G-20438 and RI65-417 will be accepted for filing.

Tesoro Petroleum Corp., et al., Applicant in Docket No. CI62-951, proposes to continue the sale of natural gas heretofore authorized in said docket and made pursuant to The Textstar Corp., et al., FPC Gas Rate Schedule No. 4. The Textstar rate schedule will be redesignated as that of Tesoro. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI62-358.³ Tesoro has filed a motion to be substituted in lieu of Textstar as respondent in said proceeding. An agreement and undertaking to assure the refund of any amount collected in excess of the amount determined to be just and reasonable in said proceeding accompanied the motion. Accordingly, Tesoro will be substituted as respondent, the proceeding will be redesignated, and the agreement and undertaking will be accepted for filing.

Cities Service Oil Co. (Operator), et al., Applicant in Docket No. CI64-1451, proposes to continue the sale of natural gas heretofore authorized in said docket and made pursuant to Ashmun & Hilliard No. 5, Ltd. (Operator), et al., FPC Gas Rate Schedule No. 1. The Ashmun & Hilliard rate schedule will be redesignated as that of Cities Service. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI61-475. Accordingly, Cities Service will be made a corespond-

ent in said proceeding, said proceeding will be redesignated, and Cities Service will be required to file an agreement and undertaking to assure the refund of any amount collected by it for sales of natural gas from the acquired acreage in excess of the amount determined to be just and reasonable in Docket No. RI61-475.

After due notice, petitions to intervene by Long Island Lighting Co. were filed on June 3 and June 9, 1965, in Docket Nos. G-9544 and G-10805, respectively. Notices of withdrawal of the respective petitions to intervene were filed by Long Island Lighting Co. on June 23, 1965, in Docket Nos. G-9544 and G-10805, respectively. No other petitions to intervene, notices of intervention, or protests to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on July 21, 1965, the Commission on its own motion received and made a part of the record in these proceedings all evidence including the applications, amendments and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(4) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued in Docket

Nos. G-9544, G-10805, G-10843, G-13341, G-19795, CI60-494, CI61-219, CI62-951, CI63-1343, CI64-1451, CI65-671, and CI65-939 should be amended as hereinafter ordered.

(6) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinafter described, all as more fully described in the tabulation herein and in the respective applications, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Docket No. CI65-1289 should be canceled, that the abandonment requested in Docket No. CI65-1289 should be authorized in Docket No. CI62-796, that the temporary certificate heretofore issued in Docket No. CI62-796 should be terminated, and that the abandonment permitted and approved in Docket No. CI62-796 should not relieve Applicant of any refund obligation in the related rate suspension proceeding in Docket No. RI61-499.

(8) The certificates of public convenience and necessity heretofore issued to the respective Applicants herein relating to the abandonments hereinafter permitted and approved should be terminated.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the rate suspension proceeding in Docket No. RI62-265 should be terminated.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that CRA, Inc. (Operator), et al., should be made a co-respondent in the proceeding pending in Docket No. G-17363, that said proceeding should be redesignated accordingly, and that CRA should be required to file an agreement and undertaking.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that South States Oil & Gas Company should be made a co-respondent in the proceedings pending in Docket Nos. G-20306 and RI62-26, that said proceedings should be redesignated accordingly, and that South States should be required to file a surety bond in Docket No. RI62-26.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Thomas N. Berry & Co. (Operator), et al., should be made a co-respondent in the proceeding pending in Docket No. G-20438, that said proceeding should be redesignated accordingly, and that the surety bond submitted by Berry in said proceeding should be accepted for filing.

(13) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Thomas N. Berry & Co. (Operator), et al., should be substituted in lieu of Barrett Petroleum Co. (Operator), et al., as respondent in the proceeding pending in Docket No. RI65-417, that said proceeding should be redesignated accordingly, that the proposed change in rate suspended in said proceeding should be made effective sub-

² Consolidated with Docket No. AR64-1, et al.

³ Consolidated with Docket No. AR61-2, et al.

ject to refund as of June 7, 1965, and that the surety bond submitted by Berry should be accepted for filing.

(14) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Tesoro Petroleum Corp., et al., should be substituted in lieu of The Texstar Corp., et al., as respondent in the proceeding pending in Docket No. RI62-358, said proceeding should be redesignated accordingly, and the agreement and undertaking submitted in said proceeding by Tesoro should be accepted for filing.

(15) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Cities Service Oil Co. (Operator), et al., should be made a co-respondent in the proceeding pending in Docket No. RI61-475, that said proceeding should be redesignated accordingly, and that Cities Service should be required to file an agreement and undertaking.

(16) The respective related rate schedules and supplements as designated or redesignated in the tabulation herein should be accepted for filing as herein-after ordered.

The Commission orders:

(A) Certificates of public convenience and necessity are issued, upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements and exhibits in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts, particularly as to the cessation of service upon ter-

mination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on all applications filed after April 15, 1965, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d) of the Commission's Statement of General Policy 61-1, as amended, shall be filed prior to the applicable date as indicated by footnotes 14 and 16 in the attached tabulation.

(E) The certificate in Docket No. CI65-943 is issued at a rate of 14.6334 cents per Mcf, subject to any applicable deduction for compression, to be effective January 23, 1962, the date Applicant acquired its interest in the property involved, pursuant to the revenue sharing arrangement under the contract, on April 7, 1960, the date corresponding to the effective date of Hugoton Plains Gas & Oil Co.'s settlement order issued by the Commission October 8, 1963.

(F) The certificates heretofore issued in Docket Nos. CI60-494, CI63-1343 and CI65-671 are amended by adding thereto or deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations, pursuant to the rate schedule supplements as indicated in the tabulation herein.

(G) The certificates heretofore issued in Docket Nos. G-13341 and G-19795 are amended by deleting therefrom authorization granted herein in Docket Nos. CI65-1270 and CI65-1280.

(H) The certificate heretofore issued in Docket No. CI65-939 is amended to include the sale of natural gas from the additional acreage and such authorization involving the sale of gas by Tenneco Oil Co. to its parent, Tennessee Gas Transmission Co., is without prejudice to any action which the Commission may take in any rate proceeding involving either company.

(I) The certificates heretofore issued in Docket Nos. G-9544, G-10805, G-10843, CI61-219, CI62-951, and CI64-1451 are amended by changing the certificate holders to the respective successors in interest as indicated in the tabulation herein.

(J) Permission for an approval of the abandonment of service by the respective Applicants, as hereinbefore described and as more fully described in the respective applications herein are granted.

(K) Docket No. CI65-1289 is cancelled.

(L) The temporary certificate heretofore issued in Docket No. CI62-796 is terminated and the abandonment permitted and approved in said docket does

not relieve Applicant of any refund obligation in the related rate suspension proceeding in Docket No. RI61-499.

(M) In view of the abandonment authorization granted herein in Docket No. CI65-1282, the certificate heretofore issued in Docket No. G-18432 is terminated only insofar as authorization pertains to Nafco Oil and Gas Inc. interests which were covered under True Oil Co.'s FPC Gas Rate Schedule No. 1.

(N) The certificates heretofore issued in Docket Nos. G-8481, CI60-583 and CI61-1163 are terminated.

(O) The rate suspension proceeding in Docket No. RI62-265 is terminated.

(P) CRA, Inc. (Operator), et al., is made a co-respondent in the proceeding pending in Docket No. G-17363, and said proceeding is redesignated accordingly.⁴ Within 30 days from the issuance of this order CRA, Inc. (Operator), et al., shall execute, in the form set out below, and shall file with the Secretary of the Commission, an acceptable agreement and undertaking in Docket No. G-17363 to assure the refund of any amount collected by it as of April 1, 1965, together with interest at the rate of 6 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing.

(Q) South States Oil & Gas Co. is made a co-respondent in the proceedings pending in Docket Nos. G-20306 and RI62-26, and said proceedings are redesignated accordingly.⁵ Within 30 days from the issuance of this order South States Oil & Gas Co. shall execute, in the form set out below, and shall file with the Secretary of the Commission a surety bond in Docket No. RI62-26 in the amount of \$2,700 to assure the refund of any amounts collected by it on and after January 1, 1965, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such surety bond shall be deemed to have been accepted for filing.

(R) Thomas N. Berry & Co. (Operator), et al., is made a co-respondent in the proceeding pending in Docket No. G-20438, said proceeding is redesignated accordingly,⁶ and the surety bond submitted by Berry in said proceeding is accepted for filing.

⁴Roy R. Gardner (Operator), et al., and CRA, Inc. (Operator), et al.

⁵Docket No. G-20306, F. O. Penn (Operator), et al., and South States Oil & Gas Co.; Docket No. RI62-26, F. O. Penn (Operator), et al., and South States Oil & Gas Co.

⁶Barrett Petroleum Co. (Operator), et al., and Thomas N. Berry & Co. (Operator), et al.

(S) Thomas N. Berry & Co. (Operator), et al., is substituted in lieu of Barrett Petroleum Co. (Operator), et al., as respondent in the proceeding pending in Docket No. RI65-417, and said proceeding is redesignated accordingly.¹ The rates, charges, and classifications set forth in Supplement No. 2 to Thomas N. Berry & Co. (Operator), et al., FPC Gas Rate Schedule No. 7 shall be effective, subject to refund, as of June 7, 1965, and the surety bond submitted in said proceeding is accepted for filing. Said effective rate shall be charged and collected as of the effective date, subject to any future orders of the Commission in Docket No. RI65-417.

(T) Tesoro Petroleum Corp., et al., is substituted in lieu of The Texstar Corp., et al., as respondent in the proceeding pending in Docket No. RI62-358, said proceeding is redesignated accordingly,² and the agreement and undertaking submitted by Tesoro in said proceeding is accepted for filing.

(U) Cities Service Oil Co. (Operator), et al., is made a co-respondent in the proceeding pending in Docket No. RI61-475, and said proceeding is redesignated accordingly.³ Within 30 days from the issuance of this order Cities Service Oil Co. (Operator), et al., shall execute in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. RI61-475 to assure the refund of any amount, together with interest at the rate of 7 percent per annum, collected by it for sales of natural gas from acreage acquired from Ashmun & Hilliard No. 5, Ltd. (Operator), et al., in excess of the amount determined to be just and reasonable in Docket No. RI61-475. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing.

(V) Parties herein made respondents in the proceedings pending in Docket Nos. G-17363, G-20438, RI61-475, RI62-26, RI62-358, and RI65-417 shall comply with the refunding and reporting procedure required by the Natural Gas Act and section 154.102 of the regulations thereunder, and the agreements and undertakings and surety bonds filed in said dockets by said respondents shall remain in full force and effect until discharged by the Commission.

(W) The respective related rate schedules and supplements as indicated in the tabulation herein are accepted for filing; further, the rate schedules relating to the successions herein are redesignated and accepted, subject to the applicable Commission Regulations under the Natural Gas Act to be effective on the dates as indicated in the tabulation herein.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

¹ Thomas N. Berry & Co. (Operator), et al.
² Tesoro Petroleum Corp., et al.

³ Shell Oil Co., Tenneco Oil Co. (Operator), et al., Ashmun & Hilliard No. 5, Ltd. (Operator), et al., and Cities Service Oil Co. (Operator), et al.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
G-9544 E 5-12-65	CRA, Inc. (Operator), et al. (successor to Roy R. Gardner (Operator), et al.).	Tennessee Gas Transmission Co., North Tidehaven Field, Matagorda County, Tex.	Roy R. Gardner (Operator), et al., FPC GRS No. 1. Supplement Nos. 1-3. Notice of succession 5-11-65. Assignment 4-14-65. Effective date: 4-1-65.	16 16 16 17	1-3 4
G-9544 E 5-12-65	do.	do.	Roy R. Gardner (Operator), et al., FPC GRS No. 2. Supplement Nos. 1-3. Notice of succession 5-11-65. Assignment 4-14-65. Effective date: 4-1-65.	17 17 17 3	1-3 4
G-10805 E 5-17-65	South States Oil & Gas Co. (successor to F. O. Penn (Operator), et al.).	Tennessee Gas Transmission Co., North Rose (2,400 feet) Field, Starr County, Tex.	F. O. Penn (Operator), et al., FPC GRS No. 1. Supplement Nos. 1-3. Notice of succession (undated). Assignment 3-10-65. Effective date: 1-1-65.	3 3 3 3	1-3 4
G-10843 E 6-7-65	Thomas N. Berry & Co. (Operator), et al. (successor to Barrett Petroleum Co. (Operator), et al.).	Cities Service Gas Co., Eureka Field, Grant County, Okla.	Barrett Petroleum Co. (Operator), et al., FPC GRS No. 1. Supplement Nos. 1-2. Notice of succession 6-65. Assignment 1-15-65. Effective date: 10-1-64. Notice of partial cancellation 6-1-65. ***	7 7 7 1	1-2 3
CI60-494 D 6-7-65	Allen Burr (Operator), et al. (partial abandonment).	Valley Gas Transmission, Inc., North Fannin Field, Goliad County, Tex.	E. P. Campbell (Operator), et al., FPC GRS No. 2. Notice of succession 5-27-65. Assignment 5-30-65. Assignment 5-10-61. Effective date: 10-25-64.	1 1 1 3	1 2
CI61-219 E 6-1-65	Hai Bogle, et al. (successor to E. P. Campbell (Operator), et al.).	El Paso Natural Gas Co., Jalmat Pool, Lea County, N. Mex.	The Texstar Corp., et al., FPC GRS No. 4. Supplement Nos. 1-7. Notice of succession 5-25-65. Assignment 12-12-64. Meyer 12-14-64. Effective date: 7-1-65.	1 1 3 3	1-7
CI62-981 E 6-1-65	Tesoro Petroleum Corp., et al. (successor to The Texstar Corp., et al.).	American Louisiana Pipe Line Co., W. Little Chemier Pardo Field, Cameron Parish, La.	Ashmun & Hilliard No. 5, Ltd. (Operator), et al., FPC GRS No. 1. Supplement Nos. 1-8. Notice of succession 4-29-65. Assignment 4-27-65. Conveyance 4-30-65. Effective date: 4-1-65.	3 3 199 199	1-8
CI63-1343 C 2-17-65	Irving Pasternak.	El Paso Natural Gas Co., Pictured-Cliffs Formation, Rio Arriba County, N. Mex.	Supplemental agreement 9-24-64. Letter agreement 4-10-65. Assignment 4-27-65. Conveyance 4-30-65. Effective date: 4-1-65.	5 5 199 199	1
CI64-1451 E 4-29-65	Cities Service Oil Co. (successor to Ashmun & Hilliard No. 5, Ltd. (Operator), et al.).	El Paso Natural Gas Co., Monahan Field, Ward and Winkler Counties, Tex.	Supplement Nos. 1-8. Notice of succession 4-29-65. Assignment 4-27-65. Conveyance 4-30-65. Effective date: 4-1-65.	199 199 199 199	1-8
CI65-671 C 6-8-65 ¹⁴	John L. Cox (Operator), et al.	El Paso Natural Gas Co., Rocker B Ranch Area, Reagan County, Tex.	Supplemental agreement 5-13-65. Contract 2-6-62. Assignment 1-23-62. Effective date: 1-23-62.	8 4 4 4	1
CI65-639 C 6-7-65 ¹⁴	Tenneco Oil Co.	Tennessee Gas Transmission Co., Ellis Field, Amdia Parish, La.	Supplemental agreement 5-11-65. Contract 7-1-68. Contract 7-1-68. Contract 4-1-62.	175 2 2 1	1
CI65-943 A 3-15-65	T.E.L. Oil & Gas Corp., et al.	MAPCO Production Co. (successor to Hugoton Plains Gas & Oil Co.), acreage in Texas County, Okla.	Contract 7-1-68. Contract 7-1-68. Contract 7-1-68. Contract 7-1-61.	4 4 4 4	1
CI65-1178 A 5-7-65	Calvin Michelson.	Almos Gas Gathering Co., ¹⁵ Silva South West Field, Bee County, Tex.	Ratified (undated). Contract 7-1-68. Contract 7-1-68. Contract 7-1-68.	2 2 3 3	1
CI65-1179 A 5-7-65	do.	Almos Gas Gathering Co., ¹⁵ Silva South West Field, Live Oak County, Tex.	Ratified (undated). Contract 7-1-68. Contract 7-1-68. Contract 7-1-68.	3 3 3 3	1
CI65-1180 A 5-7-65	Western Oil Development Co.	Almos Gas Gathering Co., ¹⁵ Lenke Field, Bee County, Tex.	Ratified (undated). Contract 7-1-68. Contract 7-1-68. Contract 7-1-68.	1 1 1 1	1
CI65-1186 A 5-10-65	Frie Production Co. (Operator), et al.	Almos Gas Gathering Co., ¹⁵ East Tynan Field, Bee County, Tex.	Ratified (undated). Contract 7-1-68. Contract 7-1-68. Contract 7-1-68.	1 1 1 1	1
CI65-1187 A 5-10-65	Russak Oil Co. (Operator), et al.	Almos Gas Gathering Co., ¹⁵ Cornelius Field, Live Oak County, Tex.	Ratified (undated). Contract 7-1-68. Contract 7-1-68. Contract 7-1-68.	1 1 1 1	1
CI65-1188 A 5-10-65	Chambers & Kennedy (Operator), et al.	Almos Gas Gathering Co., ¹⁵ Linke Field, Bee County, Tex.	Ratified (undated). Contract 7-1-68. Contract 7-1-68. Contract 7-1-68.	1 1 1 1	1
CI65-1198 A 5-13-65	Johnnie L. West.	do.	Ratified (undated). Contract 2-1-60. Contract 2-1-60.	1 1 1	1

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted	
			Description and date of document	No. Supp.				Description and date of document	No. Supp.
C195-1220 A 6-3-65	Clary Petroleum, Inc. (Operator), et al.	Almos Gas Gathering Co., Crana Field, Bee County, Tex.	Contract 7-1-58 u	14	C195-1285 A 6-9-65 u	A. J. Curtis (Operator), et al.	Kansas-Nebraska Natural Gas Co., Inc., Dornbey Field, Texas County, Okla.	Contract 4-6-65 u Assignment 5-21-65 u Assignment 5-22-65 u	1 1 1
C195-1249 A 6-28-65 u	Husky Oil Co.	Coody Gas Co., Tailgate of Balsam Plant, Park County, Wyo.	Contract 2-13-64 Letter agreement 11-12-63 Supplemental agreement 1-1-65 Assignment 5-4-65 Ratified 5-18-65 u Contract 7-2-63 u	13 13 13 87 2	C195-1286 A 6-9-65 u	Rhodes Oil & Gas Corp.	El Paso Natural Gas Co., Dakota Field, El Paso County, N. Mex.	Contract 5-28-65 u	6
C195-1294 A 6-3-65 u	The Pure Oil Co.	Arkansas Louisiana Gas Co., Southwest Ames Field, Major County, Okla.	Contract 5-19-65 u	13	C195-1288 (C195-1193) B 6-4-65	The Jupiter Corp.	Texas Eastern Transmission Corp., West Westmore Field, Gollad County, Tex.	Notice of cancellation (Undated), et al.	4
C195-1296 A 6-4-65 u	Carl Perkins d.b.a. Flanagan Lease.	Equitable Gas Co., Clay District, Ritchie County, W. Va.	Contract 5-19-65 u	4	C195-1289 (C195-796) B 6-7-65 u	J. C. Trahan, Drilling Contractor, Inc. (Operator), et al.	United Gas Pipe Line Co., Ansley Field, Hancock County, Miss.	Notice of cancellation 6-7-65 u	22
C195-1298 A 6-3-65 u	Sun Oil Co. (Operator), et al. (Southwest Division).	Las Star Gas Co., Starnberger Lake Field, Smith County, Tex.	Contract 4-30-65 u	186	C195-1291 (C195-563) B 6-7-65	J. C. Trahan, Drilling Contractor, Inc. (Operator), et al.	The Tarpum Oil Co., Ansley Field, Hancock County, Miss.	Notice of cancellation 6-7-65 u	413
C195-1299 A 6-4-65 u	C. Arnold Brown (Operator), et al.	Cities Service Gas Co., North Hardline Field, Barber County, Kans.	Contract 5-20-65 u	1					
C195-1270 (G-12341) F 6-4-65	Edwin G. Bradley (successor to Messman-Riochard Oil Co. (Operator), et al.).	Line Co., Lerado Field, Reno County, Kans.	Contract 5-15-67 u Assignment 5-14-64 u Assignment 5-14-64 u Assignment 5-28-64 u Assignment 5-28-64 u Assignment 5-28-64 u Effective date: 5-28-64	8 8 8 8 8 8					
C195-1271 A 6-4-65 u	Edwin L. Cox	Natural Gas Pipelines Co. of America, Bergen "A" Unit, Beaver County, Okla.	Contract 4-5-65 u	60					
C195-1272 A 6-4-65 u	Anadarko Production Co.	Natural Gas Pipeline Co. of America, Southeast Boyd Field, Beaver County, Okla.	Contract 4-5-65 u	91					
C195-1273 A 6-4-65 u	Sheldahl Oil & Gas Co.	Cities Service Gas Co., Bishop Field, Ellis County, Okla.	Contract 4-22-65 u Contract 10-26-64 u	338 338					
C195-1276 A 6-4-65 u	Anadarko Production Co.	Kansas-Nebraska Natural Gas Co., Inc., Dornbey Field, Beaver County, Okla.	Contract 2-5-65 u	92					
C195-1277 (G-6851) B 6-4-65	H. W. Rinehart, Heirs & E. D. Rinehart, Partners	Consolidated Gas Supply Corp., Grant District, Ritchie County, W. Va.	Notice of cancellation 5-22-65, et al.	1					
C195-1278 A 6-7-65 u	Thomas E. Berry, et al.	Arkansas Louisiana Gas Co., Milano Field, Haskell County, Okla.	Contract 4-14-65 u Contract 5-14-65 u Contract 5-14-65 u Letter agreement 5-22-63	13 13 13 13					
			Contract 1-4-64 u Letter agreement 6-3-64	16 16					
A C195-1280 (G-12432) F 5-21-65	Pubco Petroleum Corp. (successor to Betty Jean Mudge Stahl, et al.).	El Paso Natural Gas Co., Arnes Petroleum-Cliff Field, San Juan County, N. Mex.	Contract 1-10-57 u Assignment 12-10-57 u Assignment 1-1-65 u Effective date: 1-1-65	1 1 1 1 1					
C195-1281 A 6-7-65 u	William L. Forbes, et al.	Consolidated Gas Supply Corp., DeKalb District, Gilmer County, W. Va.	Contract 3-5-65 u	6					
C195-1282 (G-12432) B 5-23-65	Nalco Oil & Gas, Inc.	Kansas-Nebraska Natural Gas Co., Inc., Milano Field, Logan County, Colo.	(*)						
C195-1283 A 6-7-65 u	Tenneco Oil Co. (Operator), et al.	Mississippi River Transmission Corp., Woodlawn Field, Harrison County, Tex.	Contract 8-17-65 u	120					
C195-1284 A 6-7-65 u	Thomas E. Berry, et al.	Arkansas Louisiana Gas Co., Humble-Card Niton No. 1 Unit, Arkansas Area, Le Flore County, Okla.	Contract 4-14-65 u Contract 5-24-65 u Amendment 3-22-63 u	12 12 12					

1 Conveys assigned acreage from Roy R. Gardner to CRA, Inc.
2 Conveys assigned acreage from F. O. Poon (Operator), et al., to South States Oil & Gas Co.
3 Assignment conveys Barnett Petroleum Co.'s interest to Thomas N. Berry & Co. and Adobe Oil Co., Oklahoma Natural Gas Co. owns the remaining 45 percent interest; however, Applicant is also filing to cover Oklahoma Natural Gas Co.
4 Cancels FPC GRS No. 1 as it applies to the Elmer Jacob No. 2 Well.
5 Source of gas depleted.
6 Effective date: Date of this order.
7 Transfers interest from E. P. Campbell to C. W. Pierce; Pierce has made no filings with regard to this acreage.
8 Conveys acreage from C. W. Pierce to Hal Bogle.
9 Certificate of ownership and merger merging Teasaro Petroleum Co. into Teasaro Petroleum Corp.
10 Eliminates indefinite pricing provisions insofar as they pertain to the subject acreage only.
11 Assignment from Ashburn & Hilliard to Valor Oil Co.
12 Conveyance of Oil & Gas Properties from Valor Oil Co. to Cities Service Oil Co.
13 Jan. 1, 1965, memorandum date pursuant to Commission's Statement of General Policy 41-1, as amended.
14 Effective date: Date of initial delivery.
15 July 1, 1967, memorandum date pursuant to Commission's Statement of General Policy 41-1, as amended.
16 Almost recede the gas to United Gas Pipe Line Co.
17 Ratifies contract of July 2, 1963, between Messman-Riochard Oil Co., FPC GRS No. 3.
18 Contract is also on file as Messman-Riochard Oil Co., FPC GRS No. 3.
19 Conveys Messman-Riochard's operating interest in NW 1/4 Sec. 10-28-65-W to Geo. R. Shaw.
20 Conveys Messman-Riochard's operating interest in NW 1/4 Sec. 10-28-65-W to Geo. R. Shaw.
21 Conveys Geo. R. Shaw's operating interest in NW 1/4 Sec. 10-28-65-W to Geo. R. Shaw.
22 Conveys Geo. R. Shaw's operating interest in NW 1/4 Sec. 10-28-65-W to Geo. R. Shaw.
23 Conveys Geo. R. Shaw's operating interest in NW 1/4 Sec. 10-28-65-W to Geo. R. Shaw.
24 Conveys Geo. R. Shaw's operating interest in NW 1/4 Sec. 10-28-65-W to Geo. R. Shaw.
25 Production of gas to be covered by the contract.
26 Ratifies May 24, 1962, contract between Humble Oil & Refining Co. and buyer (between Thomas E. Berry and buyer covering Stephens-Patterson No. 1 Well, Sec. 13-5N-22E, Haskell County, Okla.).
27 Certified under Docket No. G-10763-E. W. Mudge, Jr., et al.
28 Basic contract between E. W. Mudge, Jr., et al. and El Paso on file as E. W. Mudge, Jr., et al., FPC GRS No. 2.
29 Partial assignment of acreage from Betty Jean Mudge Stahl, et al. to W. W. Owens and John A. Pace.
30 Partial assignment of acreage from Betty Jean Mudge Stahl, et al. to W. W. Owens and John A. Pace to Pubco.
31 Conveys Nalco's interest only under True Oil Co., FPC GRS No. 1. True's interest was covered by separate certificate authorization in Docket No. G-12007 which was terminated by order issued May 20, 1965. Nalco's Docket No. G-12422 will be terminated only insofar as it covers Nalco's interest under True Oil Co.'s FPC GRS No. 1; other sales covered under Docket No. G-12422.
32 No related rate schedule on file. Nalco's interest covered as an et al. party to True Oil Co., FPC GRS No. 1 which was cancelled by order issued June 15, 1965.
33 Ratifies May 24, 1962, contract between Humble Oil & Refining Co. and buyer (only covers Humble-Card No. 1 Unit, Sec. 20-5N-22E, Le Flore County, Okla.).
34 Basic contract between Amstar Natural Gas Co. and buyer; however, Amstar has made no sales to buyer.
35 Conveys acreage to A. J. Curtis (Operator), et al. (SW 1/4 & NE 1/4 Sec. 23, SN, 19ECM).
36 Conveys acreage to A. J. Curtis (Operator), et al. (NW 1/4 & SE 1/4 Sec. 24, SN, 19ECM).
37 Production limited to Dakota Formation.
38 Application in Docket No. C195-1289 will be cancelled and the abandonment will be permitted and approved in Docket No. C195-796 since Applicant has not received permanent authorization.
39 Tarpum has submitted an abandonment application in Docket No. C195-1296 to cancel the transportation and resale of gas to United Gas Pipe Line Co.
40 A periodic rate increase to 19.0 cents per Mcf was suspended in Docket No. R195-265, but was never placed in effect subject to refund, therefore, Docket No. R195-265 will be terminated in this order.

[F.R. Doc. 65-8029; Filed, July 30, 1965; 8:45 a.m.]

[Docket No. CP66-23]

CENTRAL ILLINOIS ELECTRIC & GAS CO. AND PANHANDLE EASTERN PIPE LINE CO.**Notice of Application**

JULY 26, 1965.

Take notice that on July 20, 1965, Central Illinois Electric & Gas Co. (Applicant), 303 North Main Street, Rockford, Ill., 61101, filed in Docket No. CP66-23 an application pursuant to sec. 7(a) of the Natural Gas Act for an order of the Commission directing Panhandle Eastern Pipe Line Co. (Respondent) to establish physical connection of its transportation facilities with the facilities proposed to be constructed by Applicant and to sell and deliver to Applicant up to 502 Mcf per day of natural gas for resale and distribution in the villages of Metcalf and Sidell, Ill., and their environs, all as more fully set forth in the application which is on file and open to public inspection.

The application states that Respondent's facilities extend approximately 1,500 feet from the southern village limits of Metcalf. Applicant proposes to construct an odorizer station at the proposed point of connection and construct a high pressure 4-inch pipeline lateral north from the odorizer station to Metcalf and Sidell. Sidell is approximately 7 miles north of Metcalf. Applicant will also construct and operate the town border stations and distribution systems in each village.

Applicant estimates that the requirements for the villages for natural gas will be as follows:

	First year	Second year	Third year
Annual (mcf).....	17,420	34,330	44,770
Peak day (mcf).....	345	401	502

The estimated cost of construction of the facilities proposed by Applicant is \$218,190 in the third year. Applicant proposes to finance the construction with funds available for this purpose.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 20, 1965.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-8081; Filed, July 30, 1965; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR**Bureau of Indian Affairs**

[Bureau Order 551, Amdt. 107]

PROPERTY MATTERS**Redelegation of Authority**

JULY 26, 1965.

Order No. 551, as amended, is further amended by the revision of section 29. As so amended, section 29 reads as follows:

SEC. 29. *Osage land exchanges, partitions, change designation of homesteads, and approval of deeds.* The approval of orders to change designation of homestead and approval of instruments vesting title pursuant to the provisions of 25 CFR Part 127; and approval of deeds executed pursuant to orders of the county courts of the State of Oklahoma in actions instituted under section 3 of the Act of April 18, 1912 (37 Stat. 86), as supplemented by section 5 of the Act of March 2, 1929 (45 Stat. 1478).

JOHN O. CROW,
Deputy Commissioner.

[F.R. Doc. 65-8082; Filed, July 30, 1965; 8:46 a.m.]

DEPARTMENT OF COMMERCE**Maritime Administration****CONSTRUCTION-DIFFERENTIAL SUBSIDY****Notice to Applicants**

In order to assist the Maritime Subsidy Board in its budgetary and policy planning, the Board is requesting that interested parties, including subsidized operators and new applicants, submit ship construction and replacement plans and proposals for review and evaluation by the Board. The Board requests this information with the understanding that new construction actually to be approved by the Board will be, of course, limited by future determinations of national needs and Congressional appropriations.

In submitting plans and proposals applicants should not assume restraints in available funds for construction or operating subsidy contracts, but should assume the applicability of the terms of the Merchant Marine Act of 1936, as amended. Parties are requested to indicate how many ships they desire to construct, approximate estimates of needed construction-subsidy funds, and the general characteristics of the ships (e.g., displacement, speed, dwt, cubic capacity, proposed crew, and any special features). Estimates should be prepared on a fiscal year basis for five years beginning July 1, 1966. Applicants may wish to make reference to the Board's proposed "Statement of General Policy" on "relative productivity," which appeared in the FEDERAL REGISTER on June 24, 1965.

Interested parties should submit their plans in response to this request in writing, in triplicate, to the Secretary, Maritime Subsidy Board, by the close of business on September 30, 1965. Plans and proposals submitted in response to this request will be treated as confidential data.

Dated: July 28, 1965.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 65-8133; Filed, July 30, 1965; 8:48 a.m.]

Office of the Secretary**RAYMOND E. HEBERT****Statement of Changes in Financial Interests**

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past 6 months:

A. Deletions	None.
B. Additions	None.

This statement is made as of July 11, 1965.

Dated: July 11, 1965.

RAYMOND E. HEBERT.

[F.R. Doc. 65-8079; Filed, July 30, 1965; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-5]

PENNSYLVANIA STATE UNIVERSITY**Notice of Proposed Issuance of Construction Permit**

Please take notice that the Atomic Energy Commission is considering the issuance to The Pennsylvania State University of a construction permit substantially in the form set forth below which would authorize the installation of a TRIGA Mark III nuclear core and control system as a replacement for the core and control system in the existing Pennsylvania State Reactor located on the University's campus at University Park, Pa.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this construction permit may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, a notice of hearing or an appropriate order will be issued.

For further details with respect to this proposed issuance, see (1) the application and amendment thereto, and (2) the related Safety Evaluation prepared by the Test and Power Reactor Safety Branch of the Division of Reactor Licensing, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C.,

20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 29th day of July 1965.

For the Atomic Energy Commission.

SAUL LEVINE,
Acting Director,
Division of Reactor Licensing.

PROPOSED CONSTRUCTION PERMIT

1. By application dated March 8, 1965, and amendment thereto dated May 31, 1965 (hereinafter referred to as "the application"), The Pennsylvania State University requested a Class 104 license authorizing construction and operation on the applicant's site at University Park, Pa., of a TRIGA Mark III nuclear reactor core and control system (designated as the Penn State TRIGA Reactor and hereinafter referred to as "the reactor"). The reactor will replace the Penn State Reactor previously operated under Facility License No. R-2, as amended.

2. The Atomic Energy Commission ("the Commission") has found that:

A. The application complies with the requirements of the Atomic Energy Act of 1954, as amended ("the Act"), and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

B. The reactor will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter 1, CFR, Part 50, "Licensing of Production and Utilization Facilities";

C. The reactor will be used in the conduct of research and development activities of the type specified in Section 31 of the Act;

D. The Pennsylvania State University is financially qualified to construct the reactor in accordance with the regulations contained in Title 10, Chapter 1, CFR; to assume financial responsibility for the payment of Commission charges for special nuclear material, and to undertake and carry out the proposed use of such material for a reasonable period of time;

E. The Pennsylvania State University and its contractor, the General Dynamics Corp., is technically qualified to design and construct the reactor;

F. The Pennsylvania State University has submitted sufficient technical information concerning the proposed facility to provide reasonable assurance that the proposed facility can be constructed and operated at the proposed location without endangering the health and safety of the public;

G. The issuance of a construction permit to The Pennsylvania State University will not be inimical to the common defense and security or to the health and safety of the public.

3. Pursuant to the Act and Title 10, CFR, Part 50 "Licensing of Production and Utilization Facilities", the Commission hereby issues a construction permit to The Pennsylvania State University to construct the reactor in accordance with the application. This permit shall be deemed to contain and be subject to the conditions specified in sections 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect, and is subject to the additional conditions specified below:

A. The earliest completion date of the facility is September 13, 1965. The latest completion date of the facility is January 15, 1966. The term "completion date", as used herein, means the date on which construction of the facility is completed except for the introduction of the fuel material.

B. The reactor shall be constructed in the Penn State Reactor facility located on the campus at University Park, Pa.

C. The applicant is authorized in the construction of the facility to insert into the

reactor for testing purposes all of the control rods which will be fuel followed and one fuel element (subject to receiving a Special Nuclear Material License pursuant to 10 CFR Part 70 for possession of the fuel).

4. Upon completion of the construction of the reactor in accordance with the terms and conditions of this permit, upon finding that the facility authorized has been constructed and will operate in conformity with the application and the provisions of the Act and of the rules and regulations of the Commission, upon execution of an indemnity agreement as required by section 170 of the Act, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the Act, the Commission will issue an amended Class 104 license to The Pennsylvania State University pursuant to section 104c of the Act, which license shall expire at midnight, June 30, 1965.

For the Atomic Energy Commission.

Dated:

Director,
Division of Reactor Licensing.

[P.R. Doc. 65-8157; Filed, July 30, 1965;
10:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16196 etc.]

CENTRAL AIRLINES ROUTE 81 INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on August 26, 1965, at 10 a.m., e.d.s.t. in Room 726, Universal Building, Connecticut and Florida Avenues NW, Washington, D.C., before Examiner Merritt Ruhlen.

In order to facilitate the conduct of the conference, interested parties are instructed to submit to the examiner and other parties on or before August 19, 1965, (1) motions with respect to the scope of the issues or for consolidation of applications; (2) proposed statements of issues; (3) proposed stipulations; (4) requests for information; (5) statements of positions of parties; and (6) proposed procedural dates.

Dated at Washington, D.C., July 27, 1965.

[SEAL]

FRANCIS W. BROWN,
Chief Examiner.

[P.R. Doc. 65-8113; Filed, July 30, 1965;
8:48 a.m.]

[Docket No. 16363; Order E-22483]

DOMESTIC TRUNKLINE CARRIERS

Proposed First Class Fares, Baggage Allowances, and Charges; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of July 1965.

By tariff revisions,¹ bearing a posting date of June 2, 1965, and marked to become effective August 1, 1965, American Airlines, Inc., (American) proposed to

¹ Revisions to Airline Tariff Publishers, Inc., agent, tariffs CAB Nos. 43 and 44, filed June 2, 1965.

increase its one-way first-class fares by 50 cents and to change the method of determining baggage allowances and charges for domestic travel from a weight basis to a piece basis. A number of other domestic trunkline carriers have filed tariff revisions similar to those of American.² The principal features of the new baggage plan are as follows:

1. Free baggage allowance:

(a) Checked baggage:

(1) One large baggage piece, having total dimensions of the greatest length, greatest height, and greatest width not exceeding 62 inches, and

(2) One medium piece of baggage, having total dimensions of the greatest length, greatest height, and greatest width not exceeding 43 inches.

(b) Carry-on baggage, consisting of one or more pieces having combined total dimensions not exceeding 43 inches; this baggage must remain in the passenger's custody and be capable of being stowed under the passenger's seat. Most carriers would also retain the provisions that the passenger may carry, without additional charges, personal items such as a lady's handbag, a pocket-book, an overcoat or wrap, an umbrella or walking stick, a camera, a pair of binoculars, and a reasonable amount of infant food and reading matter for use during the flight.

2. Military passengers would be permitted to check free of charge one duffel or B-4 bag, regardless of dimensions (in lieu of other checked baggage), and to carry on board additional baggage with maximum dimensions of 43 inches.

3. Excess baggage charges would:

(a) Range from \$2.00 to \$5.00 for each piece of baggage in excess of the free allowance, based on the fare paid by the passenger, and

(b) Range from \$2.00 to \$5.00 for articles accepted as baggage the total dimensions of which exceed 62 inches.

4. Pets would be charged at twice the excess baggage rates.

5. Sporting equipment would be included in the free allowance and that not covered in the free allowance would be charged the excess baggage rates.

The above baggage provisions, while similar in major respects for all the carriers, differ in certain details from carrier to carrier. Trans World Airlines, Inc. (TWA) proposes that the total dimensions of the second piece of baggage be not over 55 inches, as compared with a 43-inch limit for the other carriers.³ Furthermore, the maximum dimensions of the free carry-on baggage are rounded to 45 inches by TWA and 40 inches by Western. Continental has not filed provisions for transportation of military duffel bags, but has filed a provision permitting military personnel and civilians a free baggage allowance on baggage not exceeding 5 cubic feet. Except for military baggage and sporting equipment, most carriers would not accept baggage having linear dimensions exceeding 36 by 26 by 18 inches.

As justification for the proposed changes, American submits that the

² We are only considering here those tariffs with respect to which the time for complaints has expired. Included in the tariffs not here considered are tariffs proposed by Delta and by Eastern which would increase the weight allowances.

³ American and United have filed requests for special tariff permission to amend their baggage proposals to conform to some of TWA's proposals.

traveling public is entitled to an immediate liberalized free baggage allowance; that it has been almost 30 years since there has been a major change in the free baggage allowance; and that recently, almost all of the member airlines of the Air Traffic Conference expressed the desirability of increasing the 40 pounds free allowance, but failed to reach an agreement, primarily because of differences as to what method should be used.⁴ American claims that it filed its proposal so the passengers will have the benefit of the greater baggage allowance immediately rather than several months from now, at the conclusion of the Board's current baggage investigation in Docket 14274. American further asserts that the proposed baggage rules reflect the results of intensive study, including two industry-wide baggage surveys, and are designed to benefit the airlines and the public by expediting the check-in process; that it will experience a decrease in its excess baggage revenues in excess of 80 percent; and that to recover in part this loss it proposes to increase all first-class fares by 50 cents. Other carriers share American's views and essentially support the proposed changes for similar reasons.

On June 4 and 14, 1965, United filed additional tariff revisions marked to become effective August 1, 1965, proposing to reduce first-class and standard service fares for distances over 700 miles in markets where fares were not reduced in January 1964.⁵

Under United's proposal, (1) first-class fares that had been reduced in January 1964 would be increased by 50 cents in connection with the baggage proposal; (2) first-class fares for distances over 700 miles that had not been reduced in January 1964 would be decreased to reflect the combination of a decrease comparable to that in January 1964 and the 50-cent fare increase related to the baggage rule changes;⁶ and (3) all first-class fares for distances under 700 miles would be increased by 50 cents in connection with the new baggage rules.⁷

⁴ The Board authorized the domestic carriers to discuss proposals to change the baggage rules in Order E-21310 dated Sept. 22, 1964.

⁵ By Order E-20324, Dec. 31, 1963, the Board permitted American Airlines to reduce jet first-class fares for distances over 700 miles. United and some of the other trunkline carriers also reduced first-class fares in those markets in which they are competitive with American. United's instant fare reduction proposals apply to all United markets over 700 miles, except those competitive with American, where the fares had previously been reduced.

⁶ Continental, Delta, Northwest, TWA, and Western have also filed the reduced first-class fares for most markets in which they are competitive with United.

⁷ For example, the current New York-Los Angeles jet first-class fare of \$160.90 (which had been \$186.90 prior to Jan. 15, 1964) would be increased by 50 cents to \$161.40. The current New York-Seattle jet first-class fare of \$186.90 (which had not been changed in Jan. 1964) would be reduced to \$161.40, thus reflecting the same decrease that had been applied to the New York-Los Angeles market in Jan. 1964, offset in small part by the currently proposed increase of 50 cents. The current New York-Detroit jet first-class fare of \$38.35 (which was not changed in

In markets where it proposes to reduce jet first-class fares, United also is reducing its propeller first-class fares, where necessary, to the level of the proposed jet first-class fares. In addition, United proposes to reduce its standard service fares in the same markets to a level equal to the existing jet coach fare plus approximately one-third of the difference between the proposed jet first-class fare and the existing jet coach fare. United also proposes⁸ to reduce one-class standard service fares in 12 markets by using the one-third difference formula. Heretofore, United's one-class fares were set approximately at the mid-point between first-class and coach.

In markets where United is proposing jet first-class fares for the first time, about half of the proposed new jet first-class fares are lower than existing propeller first-class fares. The lower fares, applicable to markets of over 700 miles, reflect reductions averaging about 5 percent. Where the proposed jet first-class fares are lower than the existing propeller first-class fares, United proposes to reduce the existing propeller fares to the same level as the proposed jet fares. The proposed jet first-class fares that are higher than existing propeller first-class fares apply to markets of less than 700 miles. These higher fares reflect jet surcharges and a 50-cent fare increase per ticket, and result in cumulative increases averaging about 3 percent.

In support of its filing, United notes that the experimental January 1964 reductions in first-class fares in American's markets over 700 miles were met by United between points competitive with American, but United did not file corresponding reductions in other markets over 700 miles pending evaluation of the effects of the initial fare reductions. United further notes that the experimental nature of the initial reductions has been terminated by cancellation of the applicable expiration date. United maintains that since the previous first-class fare reductions are no longer experimental, and inasmuch as they are in effect in a large number of markets, it now desires to extend comparable first-class fare reductions to all its other markets over 700 miles.

No complaints have been filed to any of the above proposals.⁹

The changes of the rules on free and excess baggage were filed subsequent to the Board's initiation of an investigation of Excess Baggage Charges (Docket 14274) started September 4, 1964, and set for hearing on August 9, 1965. We recognize, of course, that this proceeding embraces not only currently effective tariffs, but also revisions and reissues thereof. Any decision upon the issues in that proceeding must be based upon the record developed in that case. What we have before us now is solely the questions of

Jan. 1964), would be increased by 50 cents to \$38.85, since it applies to a market under 700 miles.

⁸ Revisions to Airline Tariff Publishers, Inc. tariff CAB No. 44, filed under a posting date of June 17, 1965, effective August 1, 1965.

⁹ However, Northwest has by telegram urged the Board to suspend all baggage revisions until Sept. 1, 1965.

whether any of the proposed tariff changes here discussed should be suspended pending the outcome of the investigation.

On the basis of matters now before us, the Board believes that the baggage proposals should be permitted to become effective. Manifestly the proposed baggage revisions, generally applicable within the United States and/or Canada, will benefit the traveling public by affording a more liberal baggage allowance. In addition, there are indications that the baggage proposals may enable the trunklines to improve passenger handling at the point of flight check-in without significant risks of abuse.

The present 40-pound free baggage allowance has been in effect on the domestic airlines since 1938. At the time this allowance was adopted, weight was the critical factor in limiting aircraft capacity.¹⁰ With the introduction of jet aircraft, weight is no longer the critical factor in limiting the aircraft capacity and therefore of less significance in determining appropriate baggage allowances.

Under American's proposal the total linear dimensions of the largest piece of free baggage, viz, total dimensions not exceeding 62 inches, would include most types of baggage used by air passengers. The new rule would benefit the public by increasing the maximum amount of checked baggage that may be carried without charge from 40 pounds to about 75 pounds, the weight equivalent of the two pieces of baggage having maximum dimensions of 62 and 43 inches. The traveler will also be permitted a carry-on bag. If the equivalent weight of the carry-on bag placed under the seat is added, the total weight of the free baggage, checked and carry-on, may exceed 95 pounds per person.

One of the important problems currently facing the airlines is the need to improve passenger ground-handling procedures. To the extent that the new proposals eliminate the need for weighing baggage and reduce the number of passengers from whom excess baggage charges must be collected, they may well result in enabling the carriers to offer faster and more efficient check-in services.

Most of the carriers' proposals provide that the charge for each excess piece of luggage or any baggage piece exceeding the prescribed dimensions¹¹ would be as follows:

One-way fare	Excess or oversize baggage charge
\$25.00 or less.....	\$2.00
\$25.01-\$50.00.....	3.00
\$50.01-\$120.00.....	4.00
Over \$120.00.....	5.00

¹⁰ The 40-pound allowance was based upon an analysis of operations with DC-3 aircraft, which provided for an average total weight per passenger of 200 lbs. including, in addition to the weight of the passenger, the weight of free baggage, cabin supplies, and an allocated portion of the cabin crew.

¹¹ United's tariffs require that when the fare is \$120.01 to \$200.00 the charge for each piece of excess or oversize baggage would be \$5.00 and for fares over \$200.00 the charge would be \$6.00.

These rates are not prima facie unreasonable; and they will be permitted to become effective.

According to American, the new baggage allowances will reduce the number of passengers who pay excess baggage charges from approximately 11 percent to 2 percent of total domestic passengers, and in addition, those who do pay excess baggage charges will generally pay at a substantially lower rate than those rates in effect today. The carriers estimated that their annual excess baggage revenue reductions under the new baggage rule will total approximately \$14,000,000. However, they fail to take into account the extent to which the more liberal baggage provisions and charges may further stimulate air travel and the extent to which new procedures may result in ultimate cost savings.

To recoup the revenue reduction, the carriers propose to increase all first-class fares by 50 cents. American estimates that its excess baggage revenues, including baggage shipped as air freight, will be reduced by \$2.6 million on the basis of 1964 traffic. On the other hand, American estimates that the 50-cent fare increase would produce \$2.3 million additional revenue and that it should realize cost savings of about \$100,000. Thus, American estimates that the 50-cent fare increase will fall somewhat short of covering its reduction of excess baggage revenues. The carriers' estimates confirm this result for the trunkline industry as a whole. Although the result differs as among the individual carriers, the industry estimates that the additional first-class revenues resulting from the 50-cent fare increase will be \$10,800,000 annually. The carriers have not advanced any facts or arguments to support the fare increase other than it will partially offset the excess baggage revenue reduction.

The Board has concluded that it should suspend the proposed increase in fares. Although liberalized baggage allowances appear desirable in themselves, if they are used as a basis for increasing the general level of fares for first class passengers whether or not such passengers wish to use the more liberal baggage allowances, this raises serious questions of reasonableness, fairness, and equity. A primary result of linking an increase in all first class fares with a liberalization of the "free" baggage allowance is to shift most of the present burden of paying for the carriage of excess baggage from passengers who utilize the service to passengers who do not use it. Little more than 10 percent of domestic airline passengers have excess baggage even under the present allowances. This is an identifiable service for which it is feasible, although cumbersome, to collect a user charge only from the passengers who actually use the service. If the financial situation of the carriers were such that the loss of revenue from excess baggage charges must be recouped by more generalized fare increases, the Board would have grave difficulty in justifying the improved baggage allowances.

Fortunately, the earnings of the carriers are good enough to permit them to inaugurate improvements in service even

when accompanied by the loss of some revenue. In the General Passenger-Fare Investigation (Docket 8008), 32 CAB 291 (decided November 25, 1960), the Board found that a weighted average return for the domestic trunkline carriers of 10.5 percent on invested capital is fair and reasonable. This rate of return has been reached in the 12 months ended March 31, 1965, and reports of current earnings show that the trend continues strongly upward. While the Board recognizes that "fare levels must be regulated to produce a reasonable return over an extended period of time," 32 CAB 291, 328, it is nevertheless difficult to find justification for fare increases at a time when current earnings have reached a fair and reasonable level and are still climbing. The Board does conclude, therefore, that the fare increases herein proposed by the trunk carriers should be investigated and suspended.

On the contrary, the Board believes that the present favorable earnings position of the carriers offers an excellent opportunity for the carriers themselves to consider reductions in fares, or improvements in service without fare increases, with a view to broadening and strengthening the economic base of the industry and improving service to the public. It would be very desirable for the carriers themselves to take the initiative in this kind of activity.

There are a number of areas which the airlines could examine in order to bring additional service improvements to the public without compromising a healthy earnings position. The following examples illustrate some of the improvements which the carriers may consider. As the short-range jets replace piston aircraft in many additional markets, bringing the benefits of better service at lower unit costs, and as the volume of traffic increases, the industry efforts should be directed toward developing low-cost transportation service on these segments. The carriers could also improve the adequacy of existing coach service by extending such service to more communities, and by increasing, in certain instances, the number of coach seats in dual configuration aircraft to reflect the relative demand for coach and first class service, provide better service to small cities, and experiment with additional economy services to high traffic density markets on a sound economic basis.

Stopover privileges should be reexamined. In the fall of 1958, the carriers abolished the free stopover privileges historically available to first-class passengers. The Board approved this proposal to assist the carriers in their financial problems at the time. In view of the subsequent fare increases sanctioned by the Board and the vast improvement in carrier earnings, the re-institution of more liberal stopover privileges may tend to stimulate vacation travel within the United States and thus the domestic traveler will have similar privileges to those now accorded the international passenger. These additional privileges will assist the President's program of encouraging additional domestic travel within the United States

as well as from abroad. Furthermore, the existing stopover charges resulting in excessive add-on fares appear to be in need of adjustment.

We now turn to United's proposal to reduce first-class and standard service fares for distances over 700 miles. The comparable January 1964 first-class fare reductions, initially proposed by American¹¹ and met by other carriers, including United, in markets competitive with American, were implemented by the carriers in the hope of increasing revenues and profit, and obtaining a better balance of traffic between first-class and coach passengers. From the facts available, however, there is no way to know for sure what the actual results were in this respect or what benefits the comparable proposal of United will produce. Although there are many factors involved in addition to the January 1964 first-class fare reductions, all of the domestic trunkline carriers realized higher earnings in 1964 than in 1963, and the industry return on investment was above 10 percent. There is no evidence that the fare reductions of January 1964 have been uneconomic. We can see no basis for denying other markets the benefits of lower first-class fares, comparable to those which the Board granted on American's and others' routes in January 1964. In these circumstances, therefore, we see no objections to permitting further experimentation with reduced fares for distances over 700 miles.

United is also proposing in several markets jet first-class fares for the first time.¹² Approximately half of the new jet first-class fares, applicable to markets of less than 700 miles distance, are higher than existing propeller first-class fares. These higher fares, averaging about 3 percent, reflect both the addition of a jet surcharge and the general fare increase of 50 cents per ticket proposed by the carrier in connection with the baggage rule change. We note from data reported to the Board that United's earnings have been increasing steadily in recent periods, even though its return is somewhat lower than that for the industry. In the absence of an adequate economic justification regarding these fare increases, which United has failed to supply, and in the light of our previous discussion we conclude that these fares, to the extent that they are higher than existing first-class propeller fares may be unjust and unreasonable. We are accordingly suspending and will investigate the increases proposed by United and other carriers on jet or propeller equipment above the current propeller fares as these proposals constitute fare increases above the existing level of fares in the applicable markets.

Accordingly, pursuant to the Federal Aviation Act of 1958, particularly sections 204(a), 403, 404, and 1002 thereof, It is ordered That:

1. An investigation is instituted to determine whether the fares and provisions

¹¹ Order E-20324, Dec. 31, 1963.

¹² TWA also is proposing such fare revisions. Delta has also filed some propeller fare increases.

described in Appendixes A and B attached hereto,¹ and rules, regulations, or practices affecting such fares and provisions, are or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful fares and provisions, and rules, regulations, and practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A hereto are suspended and their use deferred to and including October 29, 1965, and the fares and provisions described in Appendix B hereto are suspended and their use deferred to and including September 30, 1965, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. This investigation be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated; and

4. A copy of this order will be filed with the aforesaid tariffs and be served on American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., National Airlines, Inc., Northeast Airlines, Inc., Northwest Airlines, Inc., United Air Lines, Inc., Trans World Airlines, Inc., and Western Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL McCART,
Acting Secretary.

[P.R. Doc. 65-8114; Filed, July 30, 1965;
8:48 a.m.]

[Docket No. 15999; Order No. E-22479]

TELSTAR AIR FREIGHT, INC., ET AL.

Order Disapproving Control and Interlocking Relationships

JULY 27, 1965.

Application for approval of control and interlocking relationships under sections 408 and 409 of the Federal Aviation Act of 1958, as amended.

By application filed March 30, 1965, as supplemented by letter of April 23, 1965, Arnold Paul, Morris Glickstein, and Telstar Air Freight, Inc. (Telstar), request the Board to approve under section 408 of the Federal Aviation Act of 1958, as amended (the Act), control relationships resulting from the common control by Messrs. Paul and Glickstein of Telstar and Paul Trucking Co., Inc. (Trucking). The application also requests approval under section 409 of the Act of interlocking relationships resulting from the holding by Messrs. Paul and Glickstein of the following positions:

Individual	Telstar	Trucking
Arnold Paul,...	President and director.	Controlling stockholder (75 percent).
Morris Glickstein.	Vice president and director.	President, treasurer and director.

Telstar is an applicant for domestic and international air freight forwarder authority and thus is considered to be an air carrier. Trucking is an interstate motor carrier of certain commodities which require mechanical refrigeration and which operates generally between Chicago and points in New York, Pennsylvania, Georgia, Tennessee, and Florida.¹

The applicants state that it is inconceivable that any of the commodities presently transported or authorized to be transported by Trucking would ever move or be tendered for movement by or to an air freight forwarder. In response to a request from the staff to elaborate on this statement, the applicants stated that this traffic requires mechanical refrigeration, moves only in truck load quantities and historically has not moved by either surface forwarder or air freight forwarder.

Upon consideration of the application, we are not persuaded that the application establishes that the relationships set forth therein would not be adverse to the public interest. The Board's general policy in the past has been to prohibit the entry of surface carriers, or persons affiliated therewith, into the air freight forwarder field where it appeared that conflicts of interest could arise between air and surface operations which would result in diversion of traffic from air to surface transportation and deprive the air freight forwarder of sufficient incentive to conscientiously promote and develop the movement of air freight.²

Although traffic of the type carried by trucking has not historically moved by forwarder, it is our view that the rapid development of the air cargo market may put such traffic into air service in the near future and that air forwarders will share in the market. In short, it may be that the competitive implications of the proposed relationships, while not of major significance at this moment, may become increasingly important in the future. For this reason we are not prepared to concede that they are de minimis to the extent that approval of the relationships is warranted. Also, we do not find, nor do applicants contend, that they can make a specialized contribution in the air freight field. Furthermore,

¹ Such commodities consist principally of turkeys, frozen and fresh eggs, and fish.

² The Board has made a partial exception to this general policy in the case of surface carriers of household goods. Such exception was based on a showing by the applicants that they could make a specialized contribution to the air freight industry and was premised on the condition that the authority of such applicants be limited to the movement of household goods. See Order E-21056, July 10, 1964, Docket 12193, et al.

whatever the exact situation may be now, it obviously is not unreasonable to conclude that the rapid advances being made in air cargo transportation will involve developments which will substantially increase competition between air and surface transportation and hence heighten the potential conflicts of interest between Telstar and Trucking.

Under these circumstances and acting pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.13, we are unable to find that approval of the relationships would not be inconsistent with the public interest.

Accordingly, it is ordered, That the application in Docket 15999 be and it hereby is disapproved.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this Order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

By J. W. Rosenthal,
Chief, Routes and Agreements Division,
Bureau of Economic Regulation.

[SEAL] MABEL McCART,
Acting Secretary.

[P.R. Doc. 65-8138; Filed, July 30, 1965;
8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16072; FCC 65M-980]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Statement and Order After Prehearing Conference

In the matter of American Telephone & Telegraph Co., Docket No. 16072, revision of definition of service point in connection with private line services and channels (20th revised page 18, American Telephone & Telegraph Co. Tariff FCC No. 134).

At today's prehearing conference, among other things the following schedule was agreed upon:

Furnishing of written case:

By AT&T—September 28, 1965.

By AP and GSA—October 7, 1965.

Hearing—October 19, 1965 (rescheduled from September 28, 1965).

So ordered, This 27th day of July 1965.

Released: July 28, 1965.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[P.R. Doc. 65-8111; Filed, July 30, 1965;
8:48 a.m.]

¹ Filed as part of original document.

[Docket No. 16124; FCC 65M-979]

**WEST CENTRAL OHIO
BROADCASTERS, INC.****Order Scheduling Hearing**

In re application of West Central Ohio Broadcasters, Inc., Xenia, Ohio, Docket No. 16124, File No. BP-15468; for construction permit.

It is ordered, This 27th day of July 1965, that James D. Cunningham shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10 a.m. on September 24, 1965; and that a prehearing conference shall be convened at 9 a.m. on September 10, 1965; And it is further ordered, That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: July 28, 1965.

FEDERAL COMMUNICATIONS
COMMISSION,[SEAL] BEN F. WAPLE,
Secretary.[P.R. Doc. 65-8112; Filed, July 30, 1965;
8:48 a.m.]

[Docket No. 15415; FCC 65-688]

**COMMUNITY ANTENNA TELEVISION
SYSTEMS****Acquisition by Television Broadcast
Licensees**

First report. 1. On April 16, 1964, the Commission issued a Notice of Inquiry in the above docket in order to secure information and comment upon the problems involved in ownership of CATV systems or interest therein, by television broadcast licensees, and the action, if any, that the Commission should take with respect thereto. FCC 64-310, 29 F.R. 5416. The background, issues and considerations underlying the inquiry are stated in that notice. Comments have been received in response to the notice and have been analyzed and studied. In addition the Commission has given attention to the subject of CATV's in connection with other proceedings and has considered all relevant information that has come to its attention.

2. The comments received in response to the Notice of Inquiry have generally taken the following positions:

(i) CATV's are not broadcast stations, particularly since they generally do not originate programs, and they therefore do not come under the Commission's multiple ownership rules. Nor should CATV's be deemed to come within the spirit of the multiple ownership rules, since they promote diversity by bringing in new signals, and do not really compete with television broadcast stations.

(ii) There really is no problem on common ownership. CATV's serve very few people in comparison to television stations. Furthermore, they provide a complementary service, and broadcasters are in a good position to enter this new field with their existing knowledge. Additionally, the interests of subscribers and viewers will not be subordinated because the investments in both the cable system and the television station are

large. Local bodies and the Commission are also present to make sure that the interests of CATV subscribers and television audiences are both protected.

(iii) In many places, especially small communities, CATV will come in any event and it is necessary for the television station to own the CATV to protect it against ruinous competition.

(iv) Program origination by CATV's is not a problem at this time since it is very expensive and cannot compete with the regular popular television programs. At the present time program origination is limited to weather scanning with few exceptions.

(v) Television broadcasters have an absolute right to enter any legitimate business, and it would be arbitrary to permit CATV's to develop in great numbers in other hands, including multiple ownerships, while preventing broadcasters from entering this business.

3. Several comments urged some kind of regulation. The Tri-State Television Translator Association urged that common ownership tends toward monopoly and should not be permitted. It stated that the CATV can be used to build an audience for the owner's television station in preference to other stations. Storer Broadcasting Co. suggested that program origination be forbidden where a station and CATV are in the same community, and that the CATV be required to carry all television stations in the community. WCYB-TV, Bristol, Va., stated that if the Commission regulates all CATV's, then it should not permit ownership of a CATV within a station's Grade B contour. The National Association of Broadcasters generally urged waiting until the overall CATV policy is adopted; it also suggested that the treatment perhaps should be different where programs are originated, but still recommended an ad hoc approach.

4. The problems involved in determining the proper role for CATV in the mass communications system are complex and far reaching and involve many inter-related policies. Since the various aspects of this field are closely related to each other it is difficult to reach conclusions on any one aspect of the matter until conclusions have been reached on other related matters, and the Commission's actions with respect to CATV both depend on and help to determine the future development in the field. Nevertheless, it is impossible to defer the decision on every issue until all other issues have been determined, and it is necessary to take at least tentative positions that will not frustrate or hamper the free development of business and technology. These considerations are mentioned to emphasize the fact that this Report, and the conclusions stated herein, are preliminary and tentative, and are subject to further consideration and modification.

5. In the Notice of Inquiry in this proceeding and in the Commission opinion in Rust Craft Broadcasting Co., FCC 64-208, the Commission indicated that it was concerned with the possibility that cross-ownership between CATV systems and television broadcast licensees might give rise to abuses inconsistent with the

public interest, at least in particular cases. Such abuses might consist of a use of the CATV system to discriminate in favor of one broadcaster in a community and against another or of an effort to exploit the CATV system at the expense of the co-owned television station by failure to broadcast an optimum technical signal in order to secure greater revenue from the CATV system. There are, however, two things which now persuade us that the danger of such abuses is not sufficiently great to warrant an overall or across-the-board prohibition against cross-ownership of CATV systems and television stations. The inquiry that the Commission has conducted into this docket has not disclosed any substantial evidence of widespread abuses. Further, since the issuance of the Notice of Inquiry and Opinion, referred to above, the Commission has issued its First Report and Order in Dockets No. 14895 and 15233 and its Notice of Inquiry and notice of proposed rule making in Docket No. 15971. The rules that the Commission has promulgated and proposes to promulgate appear to be adequate to prevent discriminatory use of a CATV system to favor one local broadcaster against another. The Commission's general rules should ordinarily suffice to insure a technically efficient operation by any broadcaster, and any broadcaster who fails to make a reasonable effort to put out an efficient signal runs the risk of losing his license. We believe that these considerations are adequate to prevent the dangers of any general abuse of cross-ownership.

6. While it appears to the Commission that its regulations should suffice to prevent any general abuse, it will not foreclose the possibility that there may be abuses in particular circumstances or in a specific case which are not covered by the regulations or which may occur despite the regulations. The Commission will accordingly reserve the right to make appropriate inquiry, and, if it appears necessary or appropriate, hold a formal hearing and take necessary action, in any case in which it is alleged or comes to the attention of the Commission that there is an actual or threatened abuse arising from cross-ownership.

7. Nothing in this Report is intended to modify in any manner any of the actions of the Commission in Dockets No. 14895, 15233, and 15971. Indeed, the position which the Commission takes herein is, in part at least, the result of the Commission's investigation and action in those dockets. In those dockets the Commission indicated that, in the view of the majority, there is an element of unfairness in certain aspects of the competition offered by CATV systems to television broadcasting stations. Therefore it seems appropriate to permit this unfairness to be eliminated, in some cases, at least, by the union of the economic interests involved. Further, nothing in this Report is intended or is to be construed to preclude the Commission from denying a license for a CATV facility on any ground other than television cross-ownership.

8. Subject to the limitations set forth herein, and until the promulgation of

another policy on this matter, the Commission will not withhold or defer action on applications for either television station license renewals, grants, or transfers or microwave license renewals, grants, or transfers merely because the applicant or licensee owns or proposes to own interest in both a television broadcasting station or stations and a CATV system or systems.

Adopted: July 27, 1965.

Released: July 28, 1965.

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] BEN F. WAPLE,
Secretary.

[P.R. Doc. 65-8109; Filed, July 30, 1965;
8:48 a.m.]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder
License No. 1062]

HORIZON FORWARDERS, INC.

Effective Surety Bond Filed

Notice is hereby given that Horizon Forwarders, Inc., 38 Pearl Street, New York, N.Y., 10004, has complied with the Commission's Order to Show Cause dated July 21, 1965, and published in the FEDERAL REGISTER (30 F.R. 9285), by filing an effective surety bond with the Commission.

THOMAS LISI,
Secretary.

JULY 28, 1965.

[P.R. Doc. 65-8092; Filed, July 30, 1965;
8:46 a.m.]

INTERNATIONAL EXPEDITERS, INC. ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following freight forwarder cooperative working agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement or request for a hearing should also be forwarded to each of the parties to the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Unless otherwise indicated, these agreements are non-exclusive, coopera-

tive working arrangements under which the parties may perform freight forwarding services for each other. Forwarding and service fees are to be agreed upon on each transaction. Ocean freight compensation is to be divided as agreed between the parties.

International Expeditors, Inc., New York, N.Y., and Advance Shipping Co., Houston, Tex. FF-2266
Trans-Global Freight, Inc., New York, N.Y., and J. I. Rees, Easton, Pa. FF-2402
Bevon International, Inc., Charleston, S.C., and Schenkers, International Forwarders, Inc., New York, N.Y. FF-2403
Colony Shipping Co., Inc., New York, N.Y., and George W. Wise, Jr., Savannah, Ga. FF-2404
W. R. Keating & Co., Inc., New York, N.Y., and John S. Connor, Inc., Baltimore, Md. FF-2410
Milton C. Merion, Philadelphia, Pa., and Charleston Overseas Forwarders, Inc., Charleston, S.C. FF-2411
Leyden Shipping Corp., New York, N.Y., and Circle Forwarders, Inc., Detroit, Mich. FF-2412
Gallagher & Ascher Co., Chicago, Ill., and John V. Carr & Son, Inc., Detroit, Mich. FF-2414
A. F. Burstrom & Son, Inc., Detroit, Mich., and W. R. Zanes & Co., of Louisiana, Inc., New Orleans, La. FF-2415
W. R. Filbin & Co., Inc., Detroit, Mich., and Barr Shipping Co., Inc., New York, N.Y. FF-2416
General Foreign Freight Forwarders, Norfolk, Va., and Hasman Shipping Corp., New York, N.Y. FF-2419
Coastal Forwarders, Charleston, S.C., and Atlantis Shipping Co., Ltd., New York, N.Y. FF-2420
Samuel Shapiro & Co., Inc., Baltimore, Md., and Vandegrift Forwarding Co., Inc., New York, N.Y. FF-2421
Samuel Shapiro & Co., Inc., Baltimore, Md., and Eagle Shipping Co., Inc., New York, N.Y. FF-2423
Amersped, Inc., New York, N.Y., and J. S. Lipinski Co., Toledo, Ohio. FF-2422
Samuel Shapiro & Co., Baltimore, Md., and Forwarding Service, Inc., New York, N.Y. FF-2424
Samuel Shapiro & Co., Inc., Baltimore, Md., and American Express Co., New York, N.Y. FF-2425
International Shipping Corp., Miami, Fla., and Atlas Agencies, Inc., Jacksonville, Fla. FF-2426
Stone & Downer Co., Boston, Mass., and Dyson Shipping Co., Inc., New York, N.Y. FF-2427
William H. Masson, Inc., Baltimore, Md., and Orbit Shipping Corp., New York, N.Y. FF-2429
Freedman & Slater, Inc., New York, and Bevon International, Inc., Charleston, S.C. FF-2430
Franoren Shipping Corp., New York, N.Y., and George W. Wise, Jr., Savannah, Ga. FF-2431
The J. P. Fleisig Co., New York, N.Y., and George W. Wise, Jr., Savannah, Ga. FF-2433
Wilson's American Co., Inc., New York, N.Y., and George W. Wise, Houston, Tex. FF-2434
Almac Shipping Co., Inc., New York, N.Y., and Buckley & Co., Houston, Tex. FF-2435
Stone Forwarding Co., Inc., Corpus Christi, Tex., and Davies, Turner & Co., New York, N.Y. FF-2436
Baker, Irons & Dockstader, Inc., New York, N.Y., and Star Forwarders, Inc., Chicago, Ill. FF-2437

V. Alexander & Co. of La., Inc., New Orleans, La., and Impex Service, Inc., San Francisco, Calif. FF-2442
Francesco Parisi Midwest, Inc., Chicago, Ill., and Cobar International, New York, N.Y. FF-2444
United Forwarders Service, Inc., New York, N.Y., and Port Services, Inc., Norfolk, Va. FF-2447
Morehead City Shipping Co., Morehead City, N.C., and C. H. Powell Co., Inc., New York, N.Y. FF-2449
Atlantis Shipping Co., Ltd., New York, N.Y., and George W. Wise, Jr., Savannah, Ga. FF-2450
J. S. Lipinski Co., Toledo, Ohio, and Colamerica Co., New York, N.Y. FF-2451
Wedemann & Godknecht, Inc., New York, N.Y., and V. G. Nahrung Co., Detroit, Mich. FF-2452
Freedman & Slater, Inc., New York, N.Y., and William R. Neal, Inc., Port Huron, Mich. FF-2453
Karr, Ellis & Co., Inc., New York, N.Y., and Blaser & Mericle, Inc., Cleveland, Ohio. FF-2455
Maron Shipping Agency, Inc., New York, N.Y., and Robbins Forwarding Co., Miami, Fla. FF-2456
Charles Kurz Co., Philadelphia, Pa., and Trans-Air System, Inc., New York, N.Y. FF-2457
General Freight Services, Inc., Portland, Oreg., and Pitt & Scott Corp., New York, N.Y. FF-2458
R. G. Hobeimann & Co., Inc., Baltimore, Md., and Pitt & Scott Corp., New York, N.Y. FF-2459
Franoren Shipping Corp., New York, N.Y., and Coastal Forwarders, Charleston, S.C. FF-2460
E. J. Littman Co., Cleveland, Ohio, and The Hipage Co., Inc., Norfolk, Va. FF-2461
Trade-Lanes Shipping Corp., New York, N.Y., and Circle Forwarders, Inc., Detroit, Mich. FF-2462
Carolina Forwarding Corp., Morehead City, N.C., and Amersped, Inc., New York, N.Y. FF-2463
G. S. Doyle Co., Inc., New York, N.Y., and George W. Wise, Jr., Savannah, Ga. FF-2464
Dumont Shipping Co., Inc., New York, N.Y., and W. R. Filbin & Co., Inc., Detroit, Mich. FF-2465
Karr, Ellis & Co., Inc., New York, N.Y., and Caldwell & Co., Inc., New Orleans, La. FF-2466
Wilfred Schade & Co., Inc., Newport News, Va., and Master Shipping Agency, Inc., New York, N.Y. FF-2467
Wilfred Schade & Co., Inc., Newport News, Va., and Tice & Lynch, Inc., New York, N.Y. FF-2468
Karr, Ellis & Co., Inc., New York, N.Y., and C. J. Tower & Sons of Buffalo, Inc., Buffalo, N.Y. FF-2469
Triangle Forwarding Corp., New York, N.Y., and Star Forwarders, Inc., San Francisco, Calif. FF-2470
A. R. Savage & Son, Tampa, Fla., and Judson Sheldon International Corp., New York, N.Y. FF-2471
Daniel P. Young, Inc., New York, N.Y., and C. J. Tower & Sons of Buffalo, Inc., Buffalo, N.Y. FF-2472
Allen Forwarding Co., Philadelphia, Pa., and Tice & Lynch, Inc., New York, N.Y. FF-2478
Charles Kurz Co., Philadelphia, Pa., and Rukert Marine Corp., Baltimore, Md. FF-2479
Globe Shipping Co., Inc., New York, N.Y., and Adelino J. Vazquez, Newark, N.J. FF-2480
Samuel Shapiro & Co., Inc., Baltimore, Md., and Lep Transport, Inc., New York, N.Y. FF-2481
Sea-Lanes Shipping Co., New York, N.Y., and J. S. Lipinski Co., Toledo, Ohio. FF-2482

¹ Dissenting statement of Chairman Henry, in which Commissioner Cox joins, filed as part of original document.

Sea-Lanes Shipping Co., Inc., New York, N.Y. and J. S. Lipinski Co., Baltimore, Md.	FF-2483
Norton & Ellis, New York, N.Y. and Henry E. Sullivan, Jr., Jacksonville, Fla.	FF-2486
Wedemann & Godknecht, Inc., New York, N.Y. and T. J. Hanson, Inc., Beaumont, Tex.	FF-2487
Allen Forwarding Co., Philadelphia, Pa. and Dingelstedt & Co., New York, N.Y.	FF-2488
J. S. Lipinski Co., Toledo, Ohio and George Rediker Shipping Corp., New York, N.Y.	FF-2489
Tomas Shipping Co., New York, N.Y. and George W. Wise, Jr., Savannah, Ga.	FF-2490
Paul Sustek Co., Philadelphia, Pa. and Academy Forwarding Corp., New York, N.Y.	FF-2491
Block Overseas Shipping Co., New York, N.Y. and Fairview Forwarders, Inc., New Orleans, La.	FF-2492
Stone Forwarding Co., Inc., Corpus Christi, Tex. and Colonial Shipping Co., Inc., New York, N.Y.	FF-2495
Francesco Parisi Midwest, Inc., Chicago, Ill. and C. J. Tower & Sons of Buffalo, Inc., Buffalo, N.Y.	FF-2496
Triangle Forwarding Corp., New York, N.Y. and I. C. Harris & Co., Detroit, Mich.	FF-2497
Leading Export Service Corp., New York, N.Y. and Leading Forwarders of Rochester, Inc., Rochester, N.Y.	FF-2498
Seaport Shipping Co. (Seattle), Seattle, Wash. and Gotham Shipping Co., Inc., New York, N.Y.	FF-2499
Robbins Forwarding Co., New York, N.Y. and J. S. Lipinski Co., Baltimore, Md.	FF-2501
Charles Kurz Co., Philadelphia, Pa. and Francesco Parisi, Inc., New York, N.Y. and Branch	FF-2502

Agreement FF-2406 between Tooze & Associates, Portland, Oreg. and General Freight Services, Inc., Seattle, Wash., is a cooperative working arrangement whereunder forwarding and service fees are subject to negotiation and agreement on each transaction depending upon the services to be performed. Services pertain only to customs clearance and consular documentation. Ocean freight brokerage is to be retained by originating forwarder in each transaction.

Sunshine Forwarders, Inc., Jacksonville, Fla., is party to the following agreements, the terms of which are identical. The other parties are:

Gateway Shipping Co., Inc., New York, N.Y.	FF-2428
United Forwarders Service, Inc., New York, N.Y.	FF-2445

Forwarding and service fees are to be as follows:

Bermuda & Nassau: \$2.50.

All other countries:

To pass completed declarations	\$1.25
To pass completed bills of lading	1.25
To prepare or complete and pass export declarations	2.50
To prepare or complete and pass bills of lading	2.50
Preparation of Consular documents	5.00
Consular documents (at cost)	
Telephone calls, teletypes or telegrams (at cost)	

Ocean freight brokerage is to be divided equally on a 50/50 basis between both parties.

Agreement FF-2407 between Tooze & Associates, Portland, Oreg. and Ocean-brokers, Inc., San Francisco, Calif. is a cooperative working arrangement whereunder forwarding and service fees are subject to negotiation and agreement on each transaction depending upon the services to be performed. For filing export declarations \$5.00 per commodity—minimum \$10.00 per vessel or port. Ocean freight brokerage is to be retained by the originating forwarder.

Agreement FF-2408 between Lunham & Reeve, Inc., New York and Burstrom A. F. & Son, Inc., Detroit, Mich., is a cooperative working arrangement whereunder forwarding and service fees are: Forwarding \$12.50, passing export declarations \$3.50. Special services remain subject to negotiation and agreement on each transaction. Ocean freight brokerage compensation is to be retained by Lunham & Reeve, Inc.

Agreement FF-2409 between The Cottman Co., Baltimore, Md., and Ray C. Fischer Co., Inc., Minneapolis, Minn., is a cooperative working arrangement whereunder \$5.00 is for clearance of export declarations and ocean freight compensation is to be retained by the originating forwarder.

Agreement FF-2413 between W. R. Filbin & Co., Inc., Detroit, Mich., and Ray C. Fischer Co., Inc., Minneapolis, Minn., is a cooperative working arrangement whereunder \$5.00 is for clearance of export declarations. Ocean freight compensation is to be retained by the originating forwarder.

Lunham & Reeve, Inc., New York, N.Y., is party to the following agreements, the terms of which are identical. The other parties are:

Terra-Marine Shipping Co., San Francisco	FF-2443
A. B. Barone Forwarding, New Orleans, La.	FF-2417
Del Mar Shipping Corp., Los Angeles Calif. and Branches	FF-2418

Forwarding and service fees are \$3.50 for passing of shipper's export declaration only, additional services, if any as agreed. Special services remain subject to negotiation and agreement on each transaction. Ocean freight brokerage 100 percent to be collected by Lunham & Reeve, Inc.

Agreement FF-2446 between C. S. Greene & Co., Inc., Chicago, Ill., and Arncam Shipping Co., Inc., New York, N.Y., is a cooperative working arrangement whereunder forwarding and service fees are \$3.50 for passing of shipper's export declaration only. Special services remain subject to negotiation and agreement on each transaction. Ocean freight brokerage compensation is to be retained by the originating forwarder.

Agreement FF-2448 between Export Enterprises, Inc., Philadelphia, Pa., and Ray C. Fischer Co., Inc., Minneapolis, Minn., is a cooperative working arrangement whereunder forwarding and service fees are \$1.50 for clearance of export declarations and \$2.00 presentation to consular. Ocean freight compensation is to be retained by the originating forwarder.

Agreement FF-2454 between Penon Forwarding Corp., New York, N.Y., and Morris Friedman Co., Philadelphia, Pa.,

is a cooperative working arrangement whereunder forwarding and service fees are subject to negotiation and agreement on each transaction depending upon the services to be performed. Ocean freight brokerage will be retained by the originating forwarder.

Agreement FF-2473 between Metro Shipping Corp., New York, N.Y. (Party A), and Morris & Co., Lake Charles, La. (Party B), is a cooperative working arrangement whereunder forwarding and service fees are subject to negotiation and agreement on each transaction depending upon the services to be performed. Ocean freight compensation is to be divided 50-50 between parties A and B. This division of compensation is to be restricted to those shipments handled on behalf of each other.

Metro Shipping Corp., New York, N.Y., is party to the following agreements, the terms of which are identical. The other parties are:

Port Everglades Terminal Co., Inc., Port Lauderdale, Fla.	FF-2474
Coastal Forwarders, Charleston, S.C.	FF-2475

Forwarding and service fees are subject to negotiation and agreement on each transaction depending upon the services to be performed. There is no division of brokerage compensation, with the originating forwarder to keep the entire amount.

Agreement FF-2476 between Regal Shipping Corp., New York, N.Y., and Coastal Forwarders, Charleston, S.C., is a cooperative working arrangement whereunder forwarding and service fees are subject to negotiation and agreement on each transaction depending upon the services to be performed. There is no division of compensation with the originating forwarder to keep the entire amount.

Agreement FF-2477 between Regal Shipping Corp. (Party A), New York, N.Y., and Morris & Co. (Party B), Lake, La., is a cooperative working arrangement whereunder forwarding and service fees are subject to negotiation and agreement on each transaction depending upon the services to be performed. Ocean freight compensation is to be divided 50-50 between parties A and B. This division of compensation is to be restricted to those shipments handled on behalf of each other.

Agreement FF-2485 between Alonso Shipping Co., New Orleans, La., and Security Forwarding Service, Miami, Fla., is a cooperative working arrangement whereunder forwarding and service fees are to be as follows: For preparation of Consular Documents \$2.50 and forwarding fees are \$5.00. Ocean freight brokerage is to be divided equally on a 50-50 basis between both parties. This division of brokerage will be restricted to those shipments handled on behalf of each other.

Agreement FF-2493 between Francesco Parisi, Inc. (Party A), Savannah, Ga., and Major Forwarding Co., Inc. (Party B), New York, N.Y., is a cooperative working arrangement whereunder on shipments loaded at Savannah, Ga., party (b) agrees to pay party (a) \$5.00 for completing export declarations and

filing them with the customs house, and \$10.00 for any shipment which exceeds one hundred (100) tons in weight. As heretofore, party (b) would arrange for shipping space, preparation for customs declaration and bill of lading in blank, and party (a) would be expected to complete these documents and have the bills of lading returned promptly to party (b). Ocean freight compensation, to be retained by party (b) who will perform the booking of the space.

Agreement FF-2500 between Marine Forwarding Co., Inc., New York, N.Y. and Export Enterprises, Inc., Philadelphia, Pa., is a cooperative working arrangement whereunder the terms of the agreement the fee is \$1.50 for clearance of each set of shipper's export declarations. Forwarding and service fees are subject to negotiation and agreement on each transaction depending upon the services to be performed. Ocean freight brokerage is to be divided between the parties as agreed. This division of brokerage will be restricted to those shipments handled on behalf of each other.

Agreement FF-2316 between Terra-Marine Shipping Co. (Party A), San Francisco, Calif., and L. Grodwohl & Son (Party B), New York, N.Y., is a cooperative working arrangement whereunder on shipments loaded at San Francisco, Calif. (Party B), agrees to pay (Party A) \$3.00 for completing export declarations and filing them with the customs house. As heretofore, (Party B) would arrange for shipping space, preparation for customs declaration and bill of lading in blank, and (Party A) would be expected to complete these documents and have the bills of lading returned promptly to (Party B). Ocean freight compensation, to be retained by (Party B) who will perform the booking of the space.

NOTICE OF AGREEMENTS SUBJECT TO CANCELLATION

Notice is hereby given that the following independent ocean freight forwarder cooperative working agreements approved by the Commission pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814) are scheduled for cancellation inasmuch as in accordance with the terms therein the parties to the agreements have requested in writing that the agreement be terminated.

Heidi's, Inc., New York, N.Y., and Westland & Co., Inc., San Francisco, Calif. FF-1201

THOMAS LIST,
Secretary.

JULY 28, 1965.

[P.R. Doc. 65-8093; Filed, July 30, 1965; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

WHITNEY HOLDING CORP.

Order With Respect to Briefs on Reconsideration

In the matter of the application of Whitney Holding Corp. for approval of its becoming a bank holding company by acquiring the stock of Crescent City

National Bank, New Orleans, La., and Whitney National Bank in Jefferson Parish, Jefferson Parish, La.

By order dated March 1, 1965, in Bank of New Orleans et al. v. Board of Governors of the Federal Reserve System et al. (No. 19, 788), the U.S. Court of Appeals for the Fifth Circuit remanded the cause to the Board of Governors "for reconsideration in the light of the opinion of the Supreme Court of the United States" in Whitney National Bank v. Bank of New Orleans, 379 U.S. 411 (1965). The Board had approved the Application of Whitney Holding Corp. ("Applicant") by order dated May 3, 1962 (27 F.R. 4437, May 9, 1962) and an appeal from the Board's action had been taken to said Court of Appeals by Bank of New Orleans & Trust Co. and Guaranty Bank & Trust Co., both of New Orleans, La. ("the opposing banks").

In order to assist the Board in its reconsideration of the Application pursuant to said remand and in accordance with said opinion of the Supreme Court, the persons designated in the concluding paragraph of this Order are hereby afforded an opportunity to submit briefs to the Board on the following questions:

(1) Would consummation of Applicant's plan to become a bank holding company result in Whitney National Bank in Jefferson Parish becoming a branch of Whitney National Bank of New Orleans in violation of section 5155 of the U.S. Revised Statutes (12 U.S.C. 36)?

(2) Do the terms of Louisiana Act No. 275 of 1962 (La. Stat. Ann. tit. 6, §§ 1001-1006) prohibit consummation of Applicant's plan?

(3) If Act No. 275 were construed to prohibit consummation of Applicant's plan, would said Act contravene any provision of the Constitution or statutes of the United States?

(4) Should the Board postpone making its decision upon reconsideration until termination of the pending suit in the Nineteenth Judicial District Court of Louisiana (Whitney National Bank in Jefferson Parish et al. v. James, State Bank Commissioner, No. 106682, filed May 4, 1965)?

(a) In the event question (1) is answered by the Board in the negative?

(b) Regardless of the Board's conclusion as to question (1)?

Applicant may submit a brief on these questions to the Board not later than 20 days after the date of this order. The opposing banks and the State Bank Commissioner of Louisiana may submit answering briefs not later than 20 days after their receipt of Applicant's brief. Applicant may submit a further brief not later than 10 days after its receipt of said answering briefs. A copy of each brief shall be transmitted promptly to counsel for the other persons designated in this paragraph.

Dated at Washington, D.C., this 23d day of July 1965.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[P.R. Doc. 65-8073; Filed, July 30, 1965; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[24S-1083]

INTERNATIONAL HYDROCARBONS LTD.

Notice and Order for Hearing

JULY 27, 1965.

I. International Hydrocarbons Ltd. (Issuer), 505 8th Avenue Building, Calgary, Alberta, Canada, incorporated in the Province of Alberta, Canada, on March 12, 1965, filed with the Commission on May 11, 1965, a notification on Form 1-A relating to a proposed offering of 250,000 shares of its common stock of a par value of \$1.00 per share at a price of \$1.00 per share in United States funds or \$1.08 per share in Canadian funds, for an aggregate offering price of \$250,000 in United States funds or \$270,000 in Canadian funds, for the purpose of obtaining an exemption from the registration provisions of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission, on June 24, 1965, issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the issuer's exemption under Regulation A, and affording to any person having any interest therein an opportunity to request a hearing. A written request for a hearing has been received by the Commission.

The Commission deems it necessary and appropriate that a hearing be held for the purpose of determining whether it should vacate the temporary suspension order or enter an order of permanent suspension in this matter.

It is hereby ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that a hearing be held at 10 a.m. on August 19, 1965, at the Seattle Regional Office of the Commission, 9th floor, Hoge Building, 701-5 Second Avenue, Seattle, Wash., with respect to the matters set forth in section II of the Commission's order dated June 24, 1965, which temporarily suspended the Regulation A exemption of International Hydrocarbons Ltd., without prejudice, however, to the specification of additional issues which may be presented in these proceedings.

III. It is further ordered, That Warren E. Blair, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing; that any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the powers granted to the Commission under sections 19(b), 21 and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by certified mail on International Hydrocarbons Ltd. and that notice of the entry of this order shall be given to all persons by general

release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in the hearing shall file with the Commission on or before August 17, 1965, a request relative thereto as provided in Rule 9(c) of the Commission's rules of practice.

It is further ordered That International Hydrocarbons Ltd., pursuant to Rule 7 of the rules of practice of the Commission (17 CFR 201.7), shall file an answer to the allegations set forth in section II of the Commission's order dated June 24, 1965. Such answer shall be filed in the manner, form and within the time prescribed by 17 CFR 201.7 and shall specifically admit or deny or state that International Hydrocarbons Ltd. does not have, and is unable to obtain, sufficient information to admit or deny each of the allegations set forth in Section II of the Commission's order dated June 24, 1965.

Notice is hereby given that if International Hydrocarbons Ltd. fails to file an answer pursuant to 17 CFR 201.7 within 15 days after service upon it of this notice and order for hearing, the proceedings may be determined against International Hydrocarbons Ltd. by the Commission upon consideration of this notice and order for hearing and said allegations in section II of the Commission's order dated June 24, 1965, may be deemed to be true.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 65-8080; Filed, July 30, 1965;
8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 16]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 28, 1965.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in

the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 66562 (Sub-No. 2103 TA), filed July 26, 1965. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y., 10017. Applicant's representative: Robert C. Boozer, 2015 Bank of Georgia Building, Atlanta, Ga. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities moving in express service*, (1) between Washington, D.C., and Charlotte, N.C., serving the intermediate and/or off-route points of Fairfax, Manassas, Gainesville, Warrenton, Calverton, Remington, Culpeper, Rapidan, Orange, Montpelier, Somerset, Gordonsville, Barboursville, Charlottesville, North Garden, Faber, Shipman, Arrington, Amherst, Sweet Briar, Monroe, Lynchburg, Altavista, Gretna, Chatham, and Danville, Va.; and Reidsville, Greensboro, Jamestown, High Point, Thomasville, Lexington, Salisbury, China Grove, Landis, Kannapolis, and Concord, N.C.; (a) from Washington over Interstate Highway 95 (Virginia Highway 350) to junction Virginia Highway 236, thence over Virginia Highway 236 to Fairfax, thence over U.S. Highway 29 to Charlotte, and return over the same route; (b) from Culpeper over U.S. Highway 15 to Gordonsville, thence over U.S. Highway 33 to junction U.S. Highway 29 (only for purpose of joinder with (a)) and return over the same route; and (c) from Greensboro over Interstate Highway 85 to Charlotte, and return over the same route, as an alternate route for operating convenience only, in conjunction with segment (a); (2) between Charlotte, N.C., and Hamlet, N.C., serving no intermediate points, from Charlotte over U.S. Highway 74 to Hamlet, and return over the same route; (3) between Charlotte, N.C., and Columbia, S.C., serving the intermediate and/or off-route points of Pineville, N.C., and Fort Mill, Rock Hill, Chester, Blackstock, Winnsboro, Ridgeway, and Blythewood, S.C.; (a) from Charlotte over U.S. Highway 21 to junction S.C. Highway 72, thence over S.C. Highway 72 to Chester.

Thence over U.S. Highway 321 to Columbia and return over the same route; and (b) from Winnsboro over S.C. Highway 34 to Ridgeway, thence over U.S. Highway 21 to Columbia, and return over the same route, as an alternate route for operating convenience only, in conjunction with segment (a); (4) serving Gilbert, Ridge Spring, Saluda, Ward, Johnston, and Trenton, S.C., as additional intermediate and/or off-route points on REA's authorized regular-route operations between Columbia, S.C., and Augusta, Ga.; (5) between Columbia, S.C., and Hendersonville, N.C., serving the intermediate and/or off-route points of Blair, Carlisle, Union, Lockhart, Jonesville, Pacolet, Spartanburg, Inman, Gramling, Campobello, and Landrum, S.C.; and Tryon, Saluda, and Tuxedo, N.C.; (a) from Columbia over Interstate Highway 26 to junction S.C. Highway 121, thence over S.C. Highway 121 to Whitmire, thence over U.S. Highway 176 to Hendersonville, and return

over the same route; and (b) from junction Interstate Highway 26 and S.C. Highway 121, over Interstate Highway 26 to Hendersonville, and return over the same route, as an alternate route for operating convenience only, in conjunction with segment (a); (6) between Winston-Salem, N.C., and Asheville, N.C., serving the intermediate and/or off-route points of Clemmons, Mocksville, Woodleaf, Cleveland, Statesville, Catawba, Claremont, Newton, Conover, Hickory, Hildebran, Valdese, Drexel, Morganton, Glen Alpine, Marion, Old Fort, Ridgecrest, Black Mountain, and Swannanoa, N.C.; (a) from Winston-Salem over U.S. Highway 158 to Mocksville, thence over U.S. Highway 601 to junction N.C. Highway 801, thence over N.C. Highway 801 to junction U.S. Highway 70.

Thence over U.S. Highway 70 to Asheville, and return over the same route; (b) from Mocksville over U.S. Highway 64 to Statesville, and return over the same route, as an alternate route for operating convenience only, in conjunction with segment (a); and (c) from Winston-Salem over Interstate Highway 40 to Asheville, and return over the same route, as an alternate route for operating convenience only, in conjunction with segment (a); (7) between Greensboro, N.C., and Madison, N.C., serving the off-route point of Stokesdale, N.C., from Greensboro over U.S. Highway 220 to Madison, and return over the same route; (8) between Asheville, N.C., and Knoxville, Tenn., serving no intermediate points, from Asheville over Interstate Highway 40 to Knoxville and return over the same route, as an alternate route for operating convenience only, in conjunction with REA's authorized regular-route operations between Asheville and Knoxville over U.S. Highways 25 and 11; (9) between Bristol, Va.-Tenn., and Birmingham, Ala., serving the intermediate and/or off-route points of Bluff City, Johnson City, Jonesboro, Greenville, Bulls Gap, Morris-town, Jefferson City, Mascot, Luttrell, Knoxville, Lenoir City, Loudon, Sweetwater, Niota, Athens, Charleston, Cleveland, Ooltewah, and Chattanooga, Tenn.; Trenton, Ga.; and Valley Head, Fort Payne, Collinsville, Attalla, Gadsden, Whitney, Springville, and Trussville, Ala.; (a) from Bristol over U.S. Highway 11E to Knoxville, thence over U.S. Highway 11 to Birmingham, and return over the same route; and (b) from Bristol over Interstate Highway 81 to junction Interstate Highway 40, thence over Interstate Highway 40 to junction Interstate Highway 75, thence over Interstate Highway 75 to junction Interstate Highway 59.

Thence over Interstate Highway 59 to Birmingham, and return over the same route, as an alternate route for operating convenience only, in conjunction with segment (a); (10) between Middlesboro, Ky., and Tazewell, Tenn., serving the intermediate point of Cumberland Gap, Tenn., from Middlesboro over U.S. Highway 25-E to Tazewell, and return over the same route; (11) between Knoxville, Tenn., and Harriman, Tenn., serving no intermediate points, from Knoxville over Interstate Highway 40 to junction U.S.

Highway 27, thence over U.S. Highway 27 to Harriman, and return over the same route, (12) between Oneida, Tenn., and Somerset, Ky., serving the intermediate and/or off-route points of Stearns and Burnside, Ky., from Oneida over U.S. Highway 27 to Somerset, and return over the same route, (13) between Lake City, Tenn., and Jellico, Tenn., serving no intermediate points, from Lake City over U.S. Highway 25-W to Jellico, and return over the same route, as an alternate route for operating convenience only, in conjunction with segments (11) and (12) above plus REA's authorized regular-route operations between Harriman, Tenn., and Oneida, Tenn., over U.S. Highway 27, and between Somerset, Ky., and Danville, Ky., over U.S. Highways 27 and 127 and Kentucky Highways 35, 78, 198, and 501 (the joinder of which provides a service route between Knoxville, Tenn., and Danville, Ky., the alternate route to which will be the requested segment plus REA's authorized regular-route operations between Knoxville and Lake City over U.S. Highway 25, and between Jellico and Danville over U.S. Highway 25-W, 25, and 150 and Kentucky Highway 26).

(14) Between Knoxville, Tenn., and Cincinnati, Ohio, serving no intermediate points, from Knoxville over Interstate Highway 75 to Cincinnati, and return over the same route, as an alternate route for operating convenience only, in conjunction with segments (11) and (12) above plus REA's authorized regular-route operations between Harriman, Tenn., and Oneida, Tenn., over U.S. Highway 27, and between Somerset, Ky., and Cincinnati, Ohio, over U.S. Highways 25, 27, and 127 and Kentucky Highways 29, 33, 35, 78, 198, and 501 (the joinder of which provides a service route between Knoxville and Cincinnati, the alternate route to which will be the requested segment), (15) between Chattanooga, Tenn., and Shannon, Ga., serving the intermediate point of Dalton, Ga., from Chattanooga over U.S. Highway 41 to Calhoun, thence over Georgia Highway 53 to Shannon, and return over the same route, (16) between Valdosta over U.S. Highway 41 to Jasper, and return over the same route, (17) between Lake City, Fla., and Jacksonville, Fla., serving no intermediate points, from Lake City over U.S. Highway 90 to Jacksonville, and return over the same route, (18) between Chattanooga, Tenn., and Jacksonville, Fla., serving no intermediate points, from Chattanooga over Interstate Highway 75 to junction Interstate Highway 10, thence over Interstate Highway 10 to Jacksonville, and return over the same route, as an alternate route for operating convenience only, in conjunction with segments (15), (16), and (17) above plus REA's authorized regular-route operations Shannon, Ga., and Valdosta, Ga., over U.S. Highways 78, 23, and 41 and Georgia Highways 101, 6, and 87, and between Jasper, Fla., and Lake City, Fla., over U.S. Highway 41 (the joinder of which provides a service route between Chattanooga and Jacksonville), (19) between Macon, Ga., and Brunswick, Ga., serving the intermediate and/or off-route points of Cochran, Hawkinsville, Eastman, Helena, McRae,

Lumber City, Hazlehurst, Baxley, Odum, and Jesup, Ga., (a) from Macon over U.S. Highway 129 to Hawkinsville.

Thence over U.S. Highway 341 to Brunswick, and return over the same route; (b) from Cochran over U.S. Highway 23 to Eastman, and return over the same route, as an alternate route for operating convenience only, in conjunction with segment (a), (20) between Albany, Ga., and Columbus, Ga., serving the intermediate and/or off-route points of Ellaville and Buena Vista, Ga., from Albany over U.S. Highway 19 to Ellaville, thence over Georgia Highway 26 to junction U.S. Highway 27, thence over U.S. Highway 27 to Columbus, and return over the same route, (21) between Atlanta, Ga., and Birmingham, Ala., serving the intermediate and/or off-route points of Douglasville, Villa Rica, Temple, Bremen, and Tallapoosa, Ga.; and Heflin, Anniston, Bynum, Lincoln, Pell City, and Leeds, Ala.; (a) from Atlanta over U.S. Highway 78 to Birmingham, and return over the same route; (b) from Atlanta over Interstate Highway 20 to Birmingham, and return over the same route, as an alternate route for operating convenience only, in conjunction with segment (a), (22) between Birmingham, Ala., and Meridian, Miss., serving no intermediate points, from Birmingham over Interstate Highway 20 to Meridian, and return over the same route, as an alternate route for operating convenience only, in conjunction with REA's authorized regular-route operations between Birmingham and Meridian over U.S. Highways 11 and 80, (23) between Meridian, Miss., and New Orleans, La., serving the intermediate and/or off-route points of Laurel, Ellisville, Hattiesburg, Lumberton, Poplarville, and Picaune, Miss., and Slidell, La., (a) from Meridian over U.S. Highway 11 to New Orleans, and return over the same route; (b) from Meridian over Interstate Highway 59 to junction Interstate Highway 10, thence over Interstate Highway 10 to New Orleans, and return over the same route, as an alternate route for operating convenience only, in conjunction with segment (a).

(24) Between Winfield, Ala., and Milport, Ala., serving the intermediate point of Fayette, Ala., from Winfield over U.S. Highway 43 to Fayette, thence over Alabama Highway 96 to Milport, and return over the same route. (25) Between Jasper, Ala., and Parrish, Ala., serving no intermediate points, from Jasper over Alabama Highway 20 to Parrish, and return over the same route. (26) Between Chattanooga, Tenn., and Memphis, Tenn., serving the intermediate and/or off-route points of Bridgeport, Stevenson, Scottsboro, Paint Rock, Gurley, Huntsville, Belle Mina, Decatur, Courtland Town Creek, Leighton, Sheffield, Cherokee, and Magerum, Ala.; Iuka and Corinth, Miss.; and Middleton, Salsbury, Rossville, Collierville, and Germantown, Tenn., (a) from Chattanooga over U.S. Highway 72 to Memphis, and return over the same route; (b) from Huntsville over Alternate U.S. Highway 72 to junction U.S. Highway 72, and return over the same route; and (c) from junction U.S. Highway 72 and Mississippi Highway 15 (near Walnut, Miss.),

over Mississippi Highway 15 to Tennessee State line, thence over Tennessee Highway 125 to junction Tennessee Highway 57, thence over Tennessee Highway 57 to junction U.S. Highway 72, and return over the same route, for 180 days. Supporting shipper: The application has over 200 letters of support attached thereto, which may be examined here at the Commission in Washington, D.C. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 680 West Peachtree Street NW., Room 300, Atlanta, Ga., 30308.

No. MC 94350 (Sub-No. 141 TA), filed July 26, 1965. Applicant: TRANSIT HOMES, INC., 210 West McBee Avenue, Transit Homes Building, Post Office Box 1628, Greenville, S.C. Applicant's representative: Henry Willimon, Post Office Box 1628 or 1075, Greenville, S.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Portable buildings*, traveling on their own or removable undercarriages which are designed to be joined together to form a complete structure, equipped with hitch ball coupler, excluding trailers or mobile homes designed to be drawn by passenger automobiles and oil field or industrial buildings, from South Hill, Va., and points within 15 miles thereof, to points in Louisiana and points in the United States east of the Mississippi River, for 180 days. Supporting shipper: Magnolia Mobile Homes Manufacturing Corp., Vicksburg, Miss. Send protests to: Arthur B. Abernethy, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 509 Federal Building, 901 Sumter Street, Columbia, S.C.

No. MC 107002 (Sub-No. 261 TA), filed July 26, 1965. Applicant: HEARIN-MILLER TRANSPORTERS, INC., Highway 80 West, Post Office Box 1123, Jackson, Miss., 39205. Applicant's representative: D. D. Kennedy, Post Office Box 1123, Jackson, Miss. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Isocyanates*, in bulk, in tank vehicles, from the plantsite of Kaiser Chemicals located within 5 miles of Gramercy, La., to Brookpark, Ohio; Springdale, Pa.; Circleville, Ohio; North Tanawanda, N.Y.; Gallery, Pa.; Newark, N.J.; Detroit, Mich.; Lyons, Ill.; Bloomington, Ill.; Millington, N.J., and Burlington, Iowa, for 180 days. Supporting shipper: Kaiser Chemicals, Gramercy, La. Send protests to: Ray G. Atherton, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 320 Post Office Building, Jackson, Miss., 39201.

No. MC 111729 (Sub-No. 108 TA), filed July 26, 1965. Applicant: ARMORED CARRIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y., 11361, DeBevoise Building. Applicant's representative: J. K. Murphy, executive vice president (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Electrical wires, conduits, lamps, light bulbs, and other electrical supplies, toasters, irons, lamp*

fixtures, and other small electrical household appliances, limited to shipments not to exceed 75 pounds, between Philadelphia, Pa., on the one hand, and, on the other, points in New Jersey, and (2) Whole human blood and blood derivatives, between Fort Wayne, Ind., on the one hand, and, on the other, all points in Ohio (except Columbus, Ohio); all points in Michigan; and the cities of Chicago, Ill., and Louisville, Ky., for 180 days. Supporting shippers: Graybar Electric Co., Inc., 1550 South Warfield Street, Philadelphia 46, Pa.; American Red Cross, 1212 East California Road, Post Office Box 1166, Fort Wayne, Ind., 46801. Send protests to: E. N. Carignan, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y., 10013.

No. MC 118075 (Sub-No. 1 TA), filed July 26, 1965. Applicant: G. E. CROSSMAN, doing business as CROSSMAN TRUCKING COMPANY, 1917 West Grant Street, Phoenix, Ariz., 85009. Applicant's representative: Pete H. Dawson, 4453 East Piccadilly, Phoenix, Ariz. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen foods and cheese, from points in Idaho to points in Arizona, for 180 days. Supporting shippers: Kirchhoff Frozen Foods, doing business as NCS Frozen Foods Co., 922 West Buchanan, Phoenix, Ariz.; Merrigay Foods Corp., 426 East Jackson Street, Phoenix, Ariz.; Portion-Pak, 1001 17th Street, Tucson, Ariz. Send protests to: Andrew V. Baylor, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 5045 Federal Building, Phoenix, Ariz., 85025.

No. MC 119388 (Sub-No. 8 TA), filed July 26, 1965. Applicant: GLEN R. ELLIS, 3911 Jerome Avenue, Chattanooga, Tenn., 37407. Applicant's representative: Blaine Buchanan, 1024 James Building, Chattanooga, Tenn., 37402. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Malt beverages from South Bend, Ind., to Athens, Chattanooga, Cookeville, Johnson City, and Knoxville, Tenn., pallets and empty malt beverage containers, on return, for 180 days. Supporting shippers: Ray Brothers, 4224 Felty Drive, Knoxville, Tenn.; Walter Partain, 205 West Jackson Street, Knoxville, Tenn.; Morris Brown, Brown Distributing Co., Bell Avenue, Athens, Tenn.; Earl Winingham, Winingham Distributing Co., Cookeville, Tenn.; Winston Shelton, Johnson City, Tenn.; Noble Simmons, Williams Distributing Co., 1328 Broad Street, Chattanooga, Tenn. Send protests to: J. E. Gamble, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 706 U.S. Courthouse, Nashville, Tenn., 37203.

No. MC 124951 (Sub-No. 11 TA), filed July 26, 1965. Applicant: WATHEN TRANSPORT, INC., Post Office Box 237, Henderson, Ky., 42420. Applicant's representative: Robert M. Pearce, Central Building, 1033 State Street, Bowling

Green, Ky., 42101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Malt beverages, from Milwaukee, Wis.; St. Joseph, Mo.; and Belleville, Ill.; to Henderson, Ky., and on return, empty containers, cases and bottles, for 180 days. Supporting shipper: George Manion, Jr., Manion Sales Co., 216 Washington Street, Henderson, Ky., 42420. Send protests to: Edward W. Arnn, Safety Inspector, Interstate Commerce Commission, Bureau of Operations and Compliance, 426 Post Office Building, Louisville, Ky., 40202.

No. MC 127433 TA, filed July 26, 1965. Applicant: ROBERT GUY SCHOLL, doing business as SCHOLL TRUCKING, Box 621, Scottsbluff, Nebr. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Bananas, from Freeport, Tex., to Denver, Colo., and Scottsbluff, Nebr., for 180 days. Supporting shipper: United Fruit Sales Corp., subsidiary of United Fruit Co., Pier 3, North River, New York, N.Y. Send protests to: District Supervisor Johnston, Bureau of Operations and Compliance, Interstate Commerce Commission, 315 Post Office Building, Lincoln, Nebr., 68508.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[P.R. Doc. 65-8105; Filed, July 30, 1965;
8:47 a.m.]

[Notice 1208]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 28, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-67921. By order of July 21, 1965, the Transfer Board approved the transfer to Claude Bender and Della Bender, a partnership, doing business as Claude Bender Trucking, Brazil, Ind., of the operating rights in Permit No. MC-125965, issued November 19, 1964, to Maurice A. Morge, doing business as Morge Trucking, Terre Haute, Ind., authorizing transportation over irregular routes, of: Clay products, except in bulk, from points in Parke County, Ind., to points in Illinois, Iowa, Kentucky, Missouri, Michigan, Ohio, and Wisconsin, limited to a transportation service to be

performed, under a continuing contract, or contracts, with American Vitrified Products Co., of Cleveland, Ohio. Robert C. Smith, 512 Illinois Building, Indianapolis, Ind., 46204, attorney for applicants.

No. MC-FC-67981. By order of July 21, 1965, the Transfer Board approved the transfer to Gerald A. Pfafflin, Evansville, Ind., of the operating rights of Harlan L. Jamison, doing business as Tri-State Transfer, Evansville, Ind., in Permit No. MC-113804, issued July 22, 1954, authorizing the transportation, over irregular routes, of such merchandise, as is dealt in by retail chain and mail order department stores in retail delivery service, from Evansville, Ind., to points in Kentucky and Illinois, within 50 miles of Evansville, and damaged, defective, returned, traded-in or repossessed shipments, of such merchandise, from points in Kentucky and Illinois, within 50 miles of Evansville, to Evansville, Ind. David M. Keck, Mitchell & Keck, 315 Old National Bank Building, Evansville, Ind., 47708, attorney for applicants.

No. MC-FC-67987. By order of July 21, 1965, the Transfer Board approved the transfer to Sybil R. Kippen, doing business as Boston & Gloucester Express, Gloucester, Mass., of the operating rights in the Certificate of Registration in No. MC-120474 (Sub-No. 1) issued January 22, 1964, to Arthur M. Kippen, doing business as Boston & Gloucester Express, Gloucester, Mass., evidencing the right of the holder thereof to engage in interstate or foreign commerce, corresponding in scope to the service authorized by Certificates Nos. 775 and 4700, issued by the Massachusetts Department of Public Utilities prior to October 15, 1962, and reissued January 4, 1963, to reflect change of address. C. Richard Clark, 11 Pleasant Street, Gloucester, Mass., attorney for applicants.

No. MC-FC-67988. By order of July 20, 1965, the Transfer Board approved the transfer to Shumaker Trucking Co., a Delaware corporation, Dillsburg, Pa., of the operating rights issued by the Commission July 23, 1962, May 21, 1958, and August 28, 1961, under Certificates Nos. MC-95813, MC-95813 (Sub-No. 8), and MC-95813 (Sub-No. 10) to T. Leroy Koser, doing business as Koser Trucking, and Certificate No. MC-95813 (Sub-No. 12) issued September 4, 1963, to T. Leroy Koser, doing business as Koser Trucking (Helen B. Koser, Administratrix), Dillsburg, Pa., authorizing the transportation, over irregular routes, of stair treads, stair risers, and material used in erection of stair banisters, wooden step ladders, rejected shipments of the above-described commodities, iron castings in truckloads, scrap paper and rags, blotting, filter, fiber, and absorbent paper, in rolls, in truckloads, wood pulp, paper and paper products, machinery, equipment, and supplies used in the manufacture of paper and paper products, building materials and supplies, agricultural commodities, fertilizer, and seed, fresh fruit, concrete doors, concrete window sills, and concrete coping, packing material, used in the transportation of the

above-specified concrete commodities, firebrick and such other materials and accessories as are used in the refining of furnaces, and plaster, plaster products, and materials and supplies used in the installation thereof, from, to and between points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Virginia and West Virginia, varying with the commodities transported. John E. Fullerton, 509 North Second Street, Harrisburg, Pa., attorney for applicants.

No. MC-FC-67990. By order of July 23, 1965, the Transfer Board approved the transfer to Harvey D. Shupe, Howard Yost and Charles Mylander, a partnership, doing business as Shupe & Yost, Greeley, Colo., of the operating rights issued by the Commission December 14, 1961, August 16, 1963, April 4, 1963, and March 22, 1965, under Permits Nos. MC-123075 (Sub-No. 2), MC-123075 (Sub-No. 3), MC-123075 (Sub-No. 7), and MC-123075 (Sub-No. 10), respectively, to Harvey D. Shupe and Howard Yost, a partnership, doing business as Shupe & Yost, Greeley, Colo., authorizing the transportation, over irregular routes, of salt and salt products, from the plant-site of Leslie Salt Co., at or near Lake Point, Utah, to points in Nebraska, Colorado, South Dakota, and Wyoming; from the plant-site of the Solar Salt Co. in Tooele County, Utah, to points in Colorado, Kansas, Nebraska, South Dakota, and Wyoming; animal and poultry feeds, from St. Joseph, Mo., to points in Colorado, Nebraska, Kansas, and Wyoming;

and fertilizer, from the plant-site of Leslie Salt Co., to points in Colorado, and Wyoming, and points in that part of Nebraska and South Dakota on the west of U.S. Highway 83. Michael T. Corcoran, 1360 Locust Street, Denver, Colo., attorney for applicants.

No. MC-FC-67993. By order of July 23, 1965, the Transfer Board approved the transfer to James J. Vasa, doing business as City Dray Line, Phillips, Wis., of the operating rights in certificate No. MC-125110, issued February 10, 1964, to Steve A. Wurga, doing business as City Dray Line, Phillips, Wis., authorizing the transportation, over regular routes, of: General commodities, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Phillips, Wis., and Prentice, Wis., serving all intermediate points; from Phillips over Wisconsin Highway 13 to Prentice, and return over the same route. A. R. Fowler, 2288 University Avenue, St. Paul, Minn., 55114, practitioner for applicants.

No. MC-FC-67720. By order of July 21, 1965, the Transfer Board approved the transfer to G. M. Carmichael and Gary Carmichael, doing business as G. M. Carmichael & Son, Box 1012, Moab, Utah, of the certificate in No. MC-114195, issued October 5, 1954, to John H. Shafer, Box 122, Moab, Utah, authorizing the transportation of: Uranium and vanadium ores, in bulk, from points in Grand and San Juan Counties, Utah, to Grand Junction, Durango,

Naturita, and Uravan, Colo., and Thompson, Utah.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 65-8106; Filed, July 30, 1965; 8:47 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

JULY 28, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39941—*Petroleum products to points in Georgia.* Filed by O. W. South, Jr., agent (No. A4732), for interested rail carriers. Rates on petroleum naphtha or petroleum naphtha distillate, in tank carloads, from St. Louis, Mo., East St. Louis, Hartford, Roxana, and Wood River, Ill., to Atlanta, Chamblee, Doraville, Decatur, Oakland City, Ormewood, and Lakewood Station, Ga.

Grounds for relief—Market competition.

Tariff—Supplement 28 to Illinois Freight Association, agent, tariff ICC 1005.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 65-8104; Filed, July 30, 1965; 8:47 a.m.]

CUMULATIVE LIST OF CFR PARTS AFFECTED—JULY

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during July.

1 CFR	Page	3 CFR—Continued	Page	7 CFR—Continued	Page
32	9573	PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:		PROPOSED RULES—Continued	
3 CFR		Reorganization Plan No. 2 of 1965	8819	922	8525
PROCLAMATIONS:		Reorganization Plan No. 3 of 1965	9351	930	8850
June 29, 1911 (revoked in part by PLO 3750)	9540	Reorganization Plan No. 4 of 1965	9353	931	9095
3659	8383	Reorganization Plan No. 5 of 1965	9355	993	8850
3660	8507			1008	8855
3661	8663			1009	8855
3662	8773			1031	9008, 9220
3663	8991			1048	8856
EXECUTIVE ORDERS:				1097	9318
Dec. 9, 1852 (revoked in part by PLO 3753)	9541	5 CFR		1135	8525
July 2, 1910 (revoked in part by PLO 3725)	8792	213	9087, 9529, 9585	1137	8525
May 16, 1911 (revoked in part by PLO 3757)	9542	531	9247		
Mar. 29, 1912 (revoked in part by PLO 3715)	8789	550	9247	8 CFR	
July 9, 1913 (revoked in part by PLO 3725)	8792	7 CFR		204	9537
1238 (revoked by PLO 3728)	8832	6	8623	9 CFR	
3825 (revoked in part by PLO 3751)	9541	28	9529	51	8825
6544 (revoked in part by PLO 3745)	9595	29	9207	74	8566
8596 (revoked in part by PLO 3751)	9541	33	8775	78	8463, 9089
8647 (revoked in part by PLO 3720)	8791	51	8459	201	8513
8790 (see PLO 3749)	9540	70	9530	316	8673, 8675
8791 (see PLO 3749)	9540	81	9484	317	8673, 9357
10530 (superseded in part by EO 11230)	8447	201	8460	318	8463, 8673, 8674, 9357
10559 (superseded by EO 11230)	8447	301	8821, 8955, 8958, 8959	340	8675
10759 (superseded by EO 11230)	8447	319	9247	PROPOSED RULES:	
10766 (superseded by EO 11230)	8447	321	9087	78	8525
10790 (superseded by EO 11230)	8447	354	9147	131	9066, 9174
10836 (superseded by EO 11230)	8447	362	8509, 8775, 8960, 9051	201	8542, 9066
10889 (superseded by EO 11230)	8447	722	8461	327	9364
10903 (superseded in part by EO 11230)	8447	724	9147, 9299	12 CFR	
10960 (superseded by EO 11230)	8447	728	8565, 8667	545	9357
10970 (superseded in part by EO 11230)	8447	755	8669	555	9484
11012 (superseded in part by EO 11230)	8447	777	8385, 9299	563	8962
11116 (superseded in part by EO 11230)	8447	778	8509	570	8963
11164 (superseded by EO 11230)	8447	813	8461	PROPOSED RULES:	
11184 (superseded by EO 11230)	8447	908	8511, 8747, 8998, 9248, 9573	525	9366
11230	8447	910	8511, 8747, 8998, 9051, 9087, 9428, 9573	545	8542-8544, 8698, 9174
11231	8665	911	9052	561	8698
11232	8745	915	9052	563	8543, 8699, 8972
11233	8953	916	8960	13 CFR	
11234	9049	917	8387-8390, 8748, 8961, 9053, 9054, 9088	107	8775, 8900
11235	9199	919	9249	121	8825, 9055
11236	9349	922	9054	PROPOSED RULES:	
11237	9433	923	8823	107	8906
11238	9571	924	9299	14 CFR	
		944	9152	21	8464, 8826, 9437
		946	8511	23	8467
		947	8961, 9214	25	8467
		958	9533	29	8777
		1133	9249	39	8407, 8469, 8607, 8826, 8963, 9260, 9536, 9537
		1136	8566	61	8515
		1138	8391	71	8470
		1400	8457		8471, 8567, 8568, 8607, 8608, 8676, 8749, 8779, 8826-8828, 8999-9001, 9090, 9201, 9260-9262, 9300, 9301, 9358, 9437, 9438, 9576, 9577
		1421	8673, 8823, 9088, 9260	73	8472, 8608, 9055, 9302, 9438, 9577
		1425	9260	75	8471, 8608, 8828, 9577
		1427	8451, 8673, 8748, 8825	91	8472, 8516
		1443	9214	93	8568
		1446	8401	95	8780
		1464	8512, 9533	97	8609, 8897, 9158, 9159
		1483	8898	99	9358
		PROPOSED RULES:		121	8568
		52	8905	159	8828
		724	8630	163	8676
		729	9318		
		Ch. IX	8684		
		921	9175		

14 CFR—Continued

231	9439
241	8829, 9001
249	9578
288	8784
298	9201
303	8473
399	9205

PROPOSED RULES:

37	9319, 9547
39	8413,
	8414, 8487, 8488, 8687, 8688, 8798,
	9320, 9491,
71	8489—
	8491, 8589, 8590, 8634—8637, 8689,
	8690, 8798, 8799, 8856, 8857, 8970,
	8971, 9008, 9009, 9220, 9221, 9274,
	9276, 9277, 9321—9323, 9365, 9491,
	9492, 9547, 9548, 9597,
73	8590, 8638, 9221
75	9009, 9221, 9277, 9492
77	8905
91	8799
127	9548
233	8487

15 CFR

9	8432
201	8963

PROPOSED RULES:

30	9318
----	------

16 CFR

13	9152—9156
14	9090, 9156
214	9055
401	8900
408	9484

PROPOSED RULES:

303	8491, 9324
-----	------------

17 CFR

231	9059
-----	------

PROPOSED RULES:

230	8638, 9324
240	9222
249	8639, 8642

18 CFR

156	9302
260	9263

PROPOSED RULES:

8	9113
141	9113

19 CFR

4	9006
6	9006
16	9596

PROPOSED RULES:

1	9597
8	8849

20 CFR

604	8901
-----	------

21 CFR

2	9574
15	9302
17	8784
45	9303
46	8626
120	9002
121	8474,
	8572, 8627, 8784—8786, 9092, 9303,
	9574, 9575,

141a	9093
141e	9158
146a	9093
146c	8787, 9575
146d	9264
146e	9158
148p	9158

21 CFR—Continued

PROPOSED RULES:	
121	8794, 9008
125	9323

22 CFR

121	9034
122	9037
123	9037
124	9041
125	9042
126	9043
127	9043
202	9059
207	9304

24 CFR

803	9218
803a	9218
1600	8677

25 CFR

PROPOSED RULES:	
255	8969

26 CFR

1	8573, 8628, 8787, 8902, 9060, 9304, 9359
145	8903
175	8787
201	9359
240	9359
270	9310, 9360
275	9360
285	9360
290	9360
295	9360
301	8584
701	8517

29 CFR

20	9002
516	8585
551	8585
657	8964
1601	8407
1602	8409

PROPOSED RULES:

541	8754
545	9274
681	9274

31 CFR

500	9091
-----	------

32 CFR

90	8518
274	9157
542	9361
553	8993
1811	8410

32A CFR

US/C Transportation (Ch. VII):	
T-1	9091

OIA (Ch. X):

OI Reg. 1	8475
-----------	------

33 CFR

3	8749
67	9485
100	8518
207	8410, 8831

36 CFR

221	8519
251	9264

38 CFR

2	8607
8	8475
17	9266

39 CFR

6	8620, 9006
13	8476, 8752, 8904

39 CFR—Continued

16	8477
22	8588
24	8477
47	8620
48	8620
56	8620
62	8620
94	9064
151	8620

PROPOSED RULES:

29	9274
----	------

41 CFR

1-1	9589
1-2	9592
1-3	9593
1-15	8482
1-16	9593
5B-7	8410
8-2	8752
8-7	8752
9-2	9313
9-4	9314
9-10	8681
9-12	8831
9-30	8682
9-56	8482
11-2	8519
11-7	8519
101-6	9537
101-18	8520
101-35	8523

42 CFR

21	9437
----	------

PROPOSED RULES:

401	8797
-----	------

43 CFR

16	9218
2030	8964
2230	9273
3610	8481
9230	8411

PUBLIC LAND ORDERS:

19 (revoked in part by PLO 3751)	9541
26 (revoked in part by PLO 3737)	8835
549 (revoked in part by PLO 3724)	8791
559 (revoked in part by PLO 3720)	8791
615 (revoked in part by PLO 3743)	9594
990 (revoked by PLO 3746)	9595
1015 (modified by PLO 3734)	8833
1364 (revoked by PLO 3722)	8791
1384 (revoked in part by PLO 3742)	9594
1394 (revoked in part by PLO 3711)	8788
1524 (revoked in part by PLO 3711)	8788
1537 (revoked in part by PLO 3724)	8791
1709 (revoked in part by PLO 3737)	8835
1867 (revoked in part by PLO 3713)	8789
2460 (corrected by PLO 3729)	8833
2610 (revoked by PLO 3721)	8791
2627 (revoked by PLO 3722)	8791
2682 (revoked in part by PLO 3747)	9540
2748 (see PLO 3749)	9540
2958 (revoked by PLO 3732)	8833
2978 (revoked in part by PLO 3747)	9540
3560 (amended by PLO 3709)	8788

43 CFR—Continued

Page

PUBLIC LAND ORDERS—Continued

3607 (corrected by PLO 3723)	8791
3611 (see PLO 3719)	8790
3635 (corrected by PLO 3723)	8791
3648 (corrected by PLO 3710)	8788
3662 (corrected)	8524
3707	8411
3708	8753
3709	8788
3710	8788
3711	8788
3712	8788
3713	8789
3714	8789
3715	8789
3716	8790
3717	8790
3718	8790
3719	8790
3720	8791
3721	8791
3722	8791
3723	8791
3724	8791
3725	8792
3726	8832
3727	8832
3728	8832
3729	8833
3730	8833
3731	8833
3732	8833
3733	8833
3734	8833
3735	8834
3736	8834
3737	8835
3738	8835
3739	8836
3740	8836
3741	9594
3742	9594
3743	9594
3744	9595
3745	9595

43 CFR—Continued

Page

PUBLIC LAND ORDERS—Continued

3746	9595
3747	9540
3748	9540
3749	9540
3750	9540
3751	9541
3752	9541
3753	9541
3754	9542
3755	9542
3756	9542
3757	9542
3758	9542
PROPOSED RULES:	
19	9363
2230	8413
3120	8484
3130	8484
3140	8484
3150	8484
3160	8484
3180	8484
3220	8484
3314	9362
3320	8484
3638	9362

45 CFR

301	9093
-----	------

46 CFR

171	8836
202	9486
222	9065
527	8836

47 CFR

0	8677, 8837, 9314
1	8837, 9266, 9314
2	8678, 8838
15	9315
21	8840
31	9543
42	9543

47 CFR—Continued

Page

73	8680, 8681, 8964, 9487
74	8843
87	8678, 8838, 9314, 9316, 9488
91	8840
97	8837
PROPOSED RULES:	
1	9277
2	9109, 9493
21	8590, 8691
31	8692
73	8491, 8692, 9222, 9549
74	8590
83	8696, 8697
87	8691
91	8590, 9109, 9493
95	9493
97	9175
99	9109

48 CFR

411	8792
-----	------

49 CFR

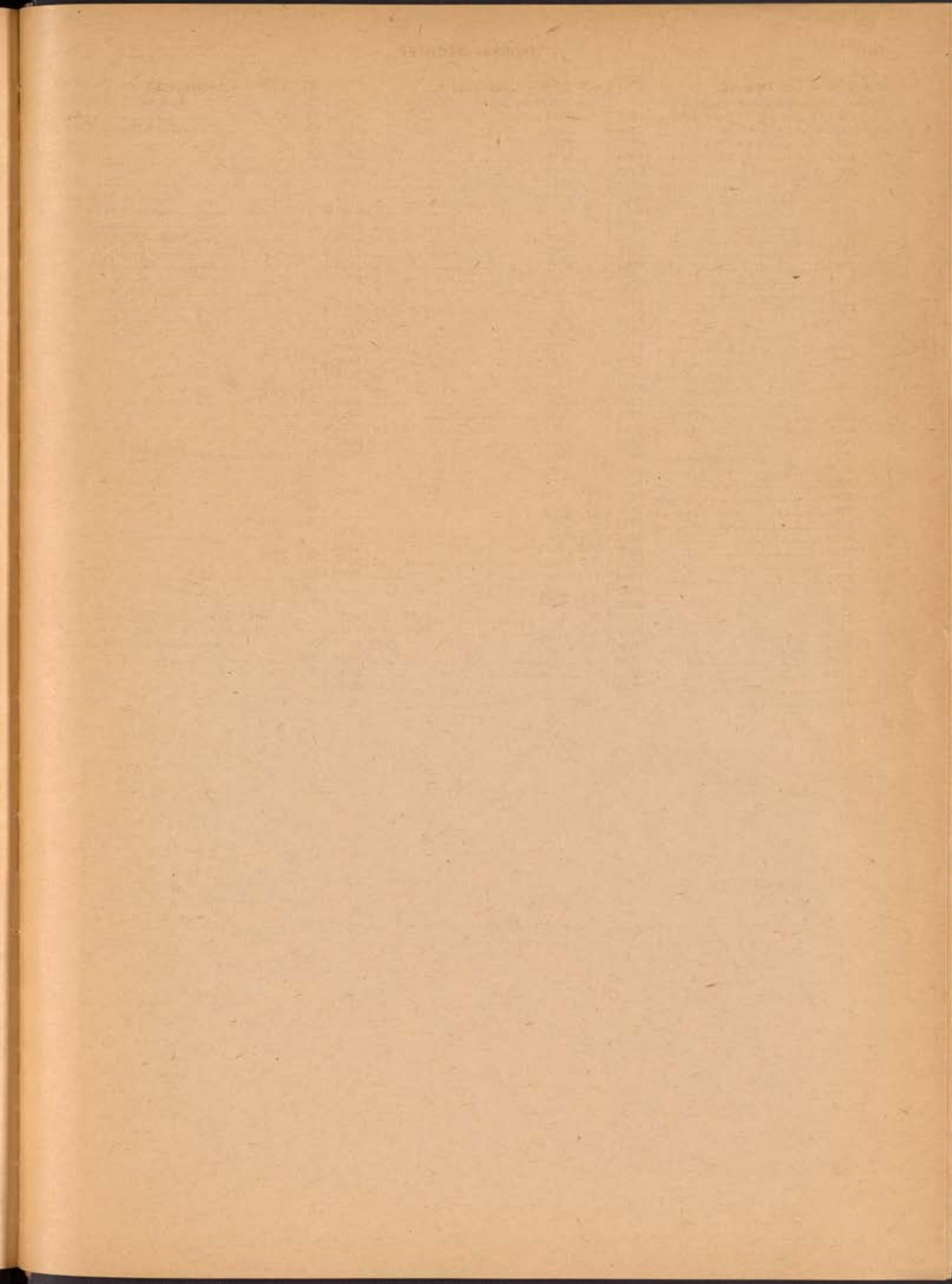
6	8968
8	8847
71-79	8588
95	8523, 8793, 8968, 9206
125	9543
142	9158
193	9206
450	9585

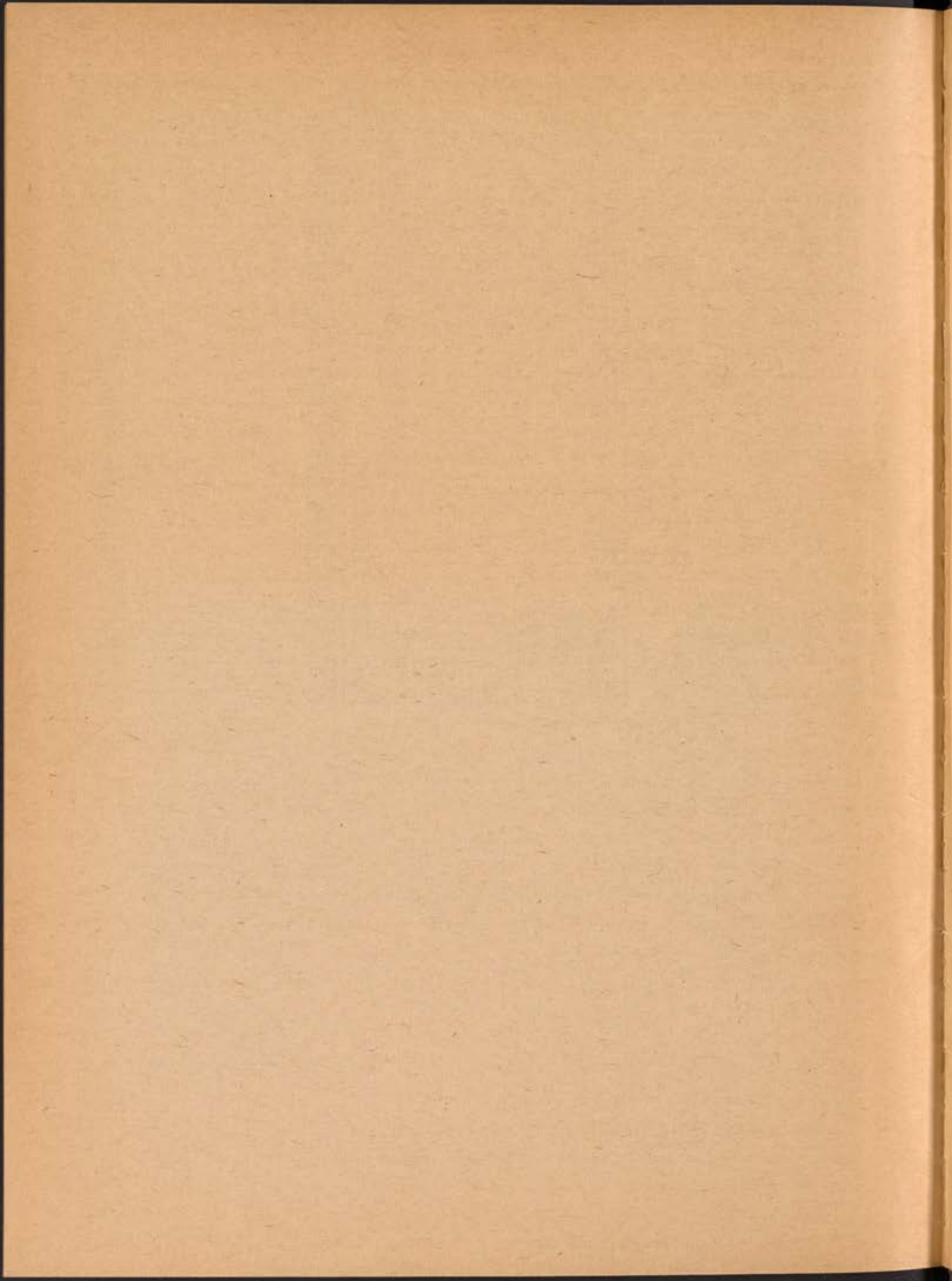
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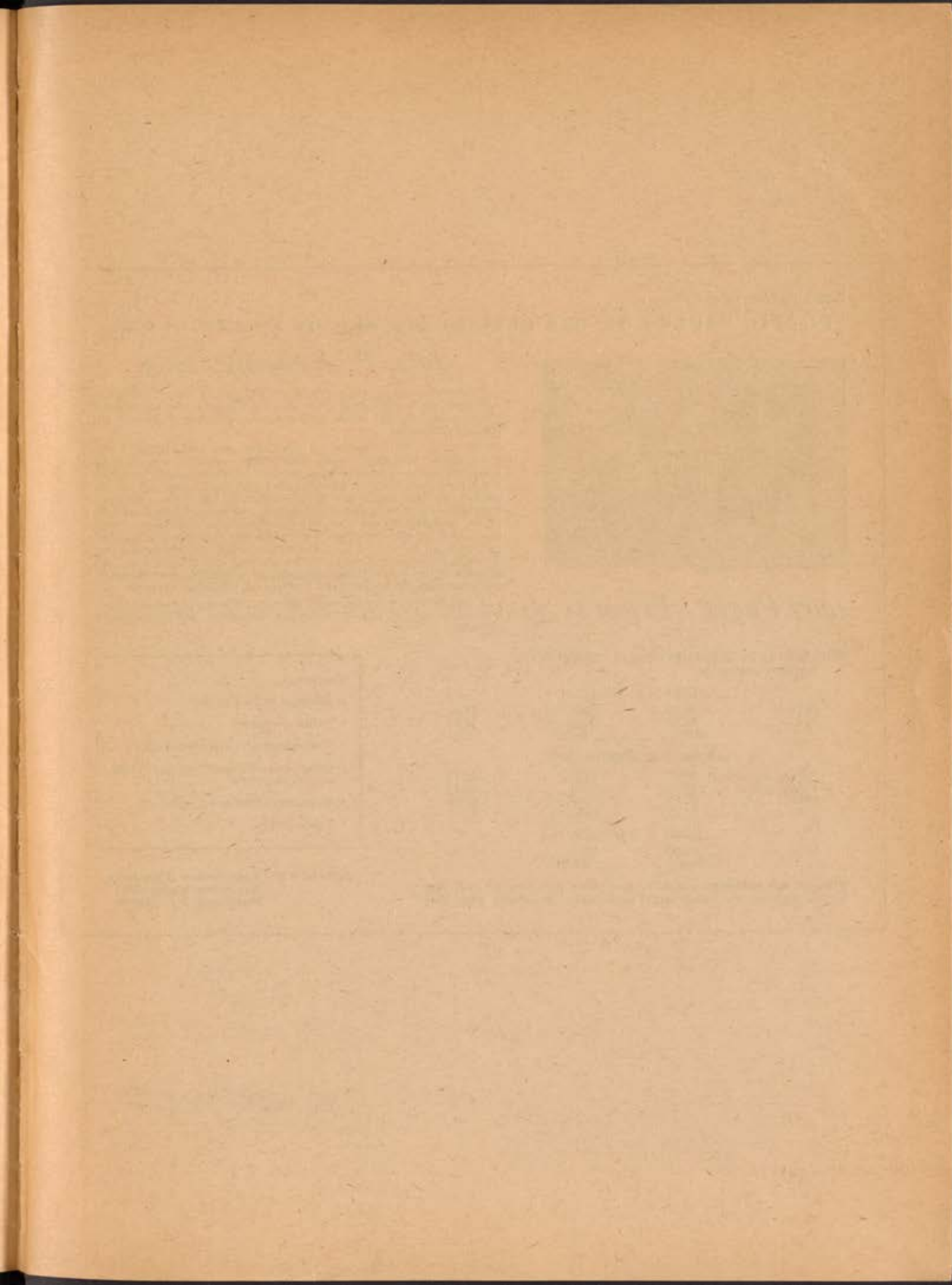
193	9366
-----	------

50 CFR

10	9488
28	9007
32	8411
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